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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Consideration of reports submitted by States parties under article 19 of the Convention pursuant to the optional reporting procedure

Third periodic reports of States parties due in 2012

The former Yugoslav Republic of Macedonia* ** ***

[6 September 2013]

* The second periodic report of the former Yugoslav Republic of Macedonia is contained in document CAT/C/MKD/2; it was considered by the Committee at its 822nd and 825th meetings, held on 7 and 8 May 2008. For its consideration, see the Committee's concluding observations (CAT/C/MKD/CO/2).

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Introduction

1. The Republic of Macedonia acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention) by way of succession and hereby submits its third periodic report under the Convention, in pursuance with obligations set forth in Article 19, paragraph 1 of the said Convention.

2. This report contains information about legislative, administrative and other measures ensuring rights guaranteed under the Convention in the period following the presentation of the second periodic report of the Republic of Macedonia (CAT/C/MKD/2).

3. The report has been prepared in following with the new procedure for reporting to the Committee against Torture (the Committee) (CAT/C/47/2) and the list of questions of the Committee to be used in preparing the third report of the Republic of Macedonia (CAT/C/MKD/Q/3), presented at the forty-fifth Committee session, held in November 2010.

4. Civil sector organizations in the Republic of Macedonia were consulted in drafting this report.

Articles 1 and 4

5. Recommendations of United Nations Committees, including of the Committee against Torture, were taken into consideration in drafting the amendments and supplements to the 2009 Criminal Code.

6. In this context, the Law Amending and Supplementing the Criminal Code (Official Gazette of the Republic of Macedonia No. 114/2009), adopted in September 2009, increases punishments for the crimes of torture and other cruel, inhuman or humiliating treatment and punishment-Article 142, and mistreatment in performing a duty-Article 143.

7. Hence, according to these amendments to the Criminal Code, Article 142, which defines the predicate offence referred to in paragraph 1 of this Article, envisages an increased prison sentence "of three to eight years."

8. Furthermore, as regards the aggravated form of this offence, instead of the previously prescribed sentence of "one to ten years", paragraph 2 of this Article envisages stricter prison sentence "of at least four years".

9. The previously prescribed sentence under Article 143, paragraph 1 "of six months to five years" is replaced under the amendments with a stricter prison sentence "of one to five years".

Article 2

10. According to the authentic interpretation of Article 1 of the Law on Amnesty (Official Gazette of the Republic of Macedonia No. 99/2011), the Law on Amnesty exempts from prosecution, stays criminal procedures and releases from serving a prison sentence nationals of the Republic of Macedonia, persons with a legal stay in the country, as well as persons having property in the Republic of Macedonia, regarding whom there is a reasonable suspicion that they have prepared or committed crimes related to the 2001 conflict, until 26 September 2001, inclusive. The last paragraph of the authentic interpretation states that Article 1 of the Law on Amnesty is to be interpreted in a way that amnesty is applied to all perpetrators of crimes relating to the 2011 conflict, i.e. crimes perpetrated until 26 September 2001 inclusive, except to persons who have committed crimes related to 2001 conflict, but against whom the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian

Law Committed in the Territory of the Former Yugoslavia since 1991, has instituted proceedings. Following the publication of the authentic interpretation, the Public Prosecutor's Office for prosecution of organized crime and corruption renounced further prosecution in the four cases against persons that had been prosecuted for crimes related to the 2001 conflict. According to the authentic interpretation, in the case against a person that was ordered 15 years imprisonment for war crimes against the civil population under Article 404, paragraph 1 and for the crime of preparing terrorism under Article 326, referring to Article 313 of the Criminal Code, the Tetovo First Instance Court released the person from serving the single cumulative prison sentence of 15 years. Under the same decision, the convicting judgment was vacated and legal consequences of the judgment were removed.

11. In 2009, 5 persons were convicted for the crime of mistreatment in performing a duty under Article 143 of the Criminal Code, of whom one person was ordered a prison sentence, while the other four persons were ordered a suspended sentence. In 2010, 3 persons were convicted for the same crime, of whom 1 person was ordered a prison sentence, while 2 persons were ordered a suspended sentence. In 2011 and in 2012 no cases were reported. In the same years, no cases of the crime of torture, under Article 142, were reported.

12. With a view to strengthening the capacities of the Public Prosecutor's Office, EURO 14,000,000 were invested in the construction of a new building for the Public Prosecutor's Office of the Republic of Macedonia, for the Skopje Higher Public Prosecutor's Office and for the Skopje Basic Public Prosecutor's Office. Under the 2009 IPA Project for support to the implementation of the criminal justice system reforms, it is envisaged to organize trainings, workshops and round tables about the new Law on Criminal Procedure and the Criminal Code. Furthermore, the Public Prosecutor's Office and investigative centre(s) will be equipped with integrated IT and telecommunication systems and other specialized equipment, including a case management system, network and security system, audio and visual recording system, and with the required hardware and software, which will be appropriately tested. The staff has been strengthened with the appointment of 3 Public Prosecutors at the Basic Public Prosecutor's Office for prosecution of organized crime and corruption, by which all 13 posts for Public Prosecutors have been filled, in line with the applicable systematization of jobs. In order to further strengthen the capacities of the Public Prosecutor's Office for prosecution of organized crime and corruption, in line with its new competences under the Law on Criminal Procedure, additional seven Public Prosecutors will be appointed, as well as 16 professional staff.

13. The work of the Ministry of the Interior is subject to internal and external control. According to Article 39 of the Law on Internal Affairs, the Assembly of the Republic of Macedonia and the Ombudsman perform external control of the work of the Ministry of the Interior, hence of the work of the Sector for Internal Control and Professional Standards at the Ministry of the Interior. In addition, in line with their competences, the Public Prosecutor's Office and courts may also control the work of the Ministry of the Interior. Under the reforms of the criminal law system of the Republic of Macedonia and with the adoption of the new Law on Criminal Procedure, a completely new procedure is envisaged, which now is primarily part of the competences of the Public Prosecutor's Office, where new institutes have been accordingly established, such as the justice police and investigative centres of the Public Prosecutor's Office.

14. Internal control is conducted by a separate organizational unit of the Ministry of the Interior, i.e. the Sector for Internal Control and Professional Standards. The competences of this organizational unit, i.e. of the Sector consist of detecting and documenting unlawful and unprofessional conduct by employees of the Ministry, and control of the legality and efficient performance of duties and tasks by organizational units of the Ministry of the

Interior. The work of the Sector for Internal Control and Professional Standards has been organized in line with international standards.

15. The Sector for Internal Control and Professional Standards makes continual efforts to strengthen its capacities required for efficient and effective fulfilment of its tasks and has undertaken a series of measures and activities to this end: the Rulebook on the performance of tasks of the Sector has been amended and supplemented in order to harmonize it with the Law on Processing Applications and Proposals; 24 hour on-duty system has been introduced for the Sector's staff; a new organizational set-up and systematization of jobs within the Sector have been adopted; there are specialized trainings organized for the Sector's staff, in cooperation with the OSCE, ICITAP and the SECI Centre (SELEC) in order to strengthen the Sector's capacities and professional level; the cooperation with the Ombudsman's Office and NGOs is continually advanced. In addition, there is a practice of organizing joint trainings about respect for human rights and freedoms, which also involve police officers that most often are in contact with citizens while exercising police authorities. There are also unannounced controls of police stations, the purpose of which is to establish eventual irregularities, then to give guidelines for their elimination and to call upon the responsibility of concerned police officers. When inspecting police stations, there are regular controls of records in which data about persons that have been deprived of their freedom on any grounds is entered (i.e. persons called to the police station, arrested or kept in police custody). In addition, detention facilities at police stations are always inspected. In the last period, some of the controls of detention facilities have been implemented together with representatives of the Ombudsman's Office and of NGOs.

16. Upon the entry into force of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 13 February 2009, the Ombudsman's Office was appointed as the National Preventive Mechanism, which started performing its task to this end in 2011. In 2011, the National Preventive Mechanism conducted 18 preventive visits to detention facilities, while in 2012 it conducted 32 visits in total. The National Preventive Mechanism has the competence of examining the treatment of persons kept in detention facilities, then issuing recommendations to relevant bodies with a view to improving the treatment and the detention conditions, as well as putting forth proposals and considerations regarding existing or draft legislation.

17. In 2012, there were unannounced visits of 12 police stations, 7 prisons, 3 psychiatric institutions and 3 other institutions (Reception Centre for Foreign Nationals, Public Health Institution – Demir Kapija Special Institute and the public institution for children with educational and social problems called "25 Maj", Skopje). Follow-up visits were conducted in five police stations having general police competences, then in one prison and one educational and correctional institution.

18. According to the systematization of jobs at the Ombudsman's Office, the National Preventive Mechanism functions as a separate department for prevention of torture, this is tasked with independent monitoring of detention facilities in police stations. In the 2011–2012 period, 29 police stations were inspected, of which 24 were regular visits and 5 follow-up visits. The first report of the National Preventive Mechanism, i.e. the 2011 Report, was submitted to the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading or Punishment. In compliance with UN recommendations, preventive and protection activities are completely separated. In this context, the National Preventive Mechanism conducts regular unannounced controls of all facilities used for deprivation or limitation of freedom, then in its special reports it takes note of complaints as an indication of possible cases of torture, and forwards filed applications to the relevant departments at the Ombudsman's Office that further process the cases.

19. In 2011, the National Preventive Mechanism submitted to the Ministry of the Interior three opinions about amendments and supplements to: the Rulebook on general

norms and standards for detention facilities in police stations of general competence, Rulebook on the manner of performance of police activities; Rulebook on the procedure to be followed by police officers with respect to provisionally impounded and found items; Standard Operative Procedures for police custody and for treatment of persons in police custody. The National Preventive Mechanism has also submitted to the Ministry of Justice its opinion regarding the Draft Law on Juvenile Justice.

20. Article 24 of the 2003 Law on the Ombudsman envisages that "For purposes of examining applications, the Ombudsman may undertake the following actions and measures, within the Ombudsman's scope of competences: demand necessary explanations, information and evidence regarding the allegations in the application; enter the official premises and have a direct insight into the files and affairs within the competence of the concerned body; interview elected or appointed officials, officials and any other person who can provide certain information about the case; request opinions from scientific and specialized institutions; and undertake other actions and measures stipulated by law." Under the amendments to the 2009 Law on the Ombudsman, the mandate of this institution has been strengthened with the establishment of separate departments: for protection of children's rights and rights of persons with disabilities, then for protection of citizens against discrimination, torture and other cruel, inhuman or degrading treatment or punishment, and a department for equitable representation. In general, as the National Preventive Mechanism, the Ombudsman's Office has developed relevant cooperation with the Ministry of the Interior, i.e. with the Sector for Internal Control and Professional Standards. Thus, relevant officers have offered satisfactory and constructive cooperation during inspections by representatives of the National Preventive Mechanism, who have had unimpeded access to all rooms and facilities chosen to be inspected, having also the unimpeded possibility of independently choosing persons deprived of freedom that are to be interviewed, without any supervision or witnesses. There has been no case in which the National Preventive Mechanism has been limited the freedom of movement or the freedom to select persons to interview. In the last period, the Ombudsman's Office has communicated without any impediments with police stations and with the Sector for Internal Control and Professional Standards at the Ministry of the Interior. However, there still remains the need to expand the cooperation and to establish more substantive communication regarding the implementation of issued recommendations.

21. The mandate of the Ombudsman of the Republic of Macedonia envisages protection of constitutional and legal rights of citizens in case of their violation by state administration bodies and other bodies and organizations having a public mandate. The Ombudsman does not have legislative, judicial or executive powers, nor is it a criminal prosecution body or a body performing inspection supervision. Thus, its decisions and recommendations are not legally binding. However, the mandate of the Ombudsman also envisages submitting initiatives for amendments and supplements to laws, and contributing to the harmonization of the domestic legislation with international human rights standards. The Ombudsman's Office may also submit proposals to the Constitutional Court for examination of the constitutionality and legality of regulations and general administrative documents. The procedure for protection of constitutional and legal rights of citizens with the Ombudsman's Office starts with filing an application. The Ombudsman's Office may institute a procedure upon its own initiative if it considers that there are certain violations of the constitutional and legal rights of citizens. In case a violation of a right is established, then the Ombudsman's Office has the possibility of employing a more comprehensive set of measures, which include the following: issuing recommendations, proposals, opinions and considerations on how the violation is to be eliminated; proposals for the repetition of a certain procedure; raising initiatives for institution of disciplinary proceedings against official persons and submission of a request to the relevant Public Prosecutor for institution of a procedure to establish criminal liability.

Applications against torture or inhuman or degrading treatment

Ombudsman's Office	*2008*	*2009*	*2010*	*2011*	*2012*
Total number of applications filed with the Ombudsman's Office	3022	3632	4043	4256	4346
Total number of applications filed against prisons and educational and correctional institutions	55	347	395	352	278
Number of applications against torture and other inhuman treatment in prisons	1	7	21	16	26
Total number of applications against police officers	67	252	238	180	220
Total number of applications against violence or excessive use of force in the exercise of police authorities	9	61	31	20	31

Source: Ombudsman's Office.

22. In its evaluation, the Sub-Committee on Accreditation has established that the Ombudsman's Office of the Republic of Macedonia has a wide-scope mandate for human rights protection, but not for human rights promotion. In addition to the need to include promotion activities in the legal framework that establishes the mandate of the Ombudsman's Office, the Sub-Committee has also requested introduction of a pluralist approach in the appointment of persons to managerial positions in this institution, especially in the election of the Ombudsman's Deputies. Hence, the recommendation for active lobbying by this institution for a public election, then for increasing the number of potential candidates by involving wider-scope social groups, as well as for comprehensive consultations and enabling pluralism in the composition of the staff. In its recommendations, the Sub-Committee has also underlined the need to advance the independence and public trust in this institution. With the aim of fulfilling the Paris Principles, *inter alia,* it is necessary to ensure funds for the exercise of the mandate of the National Preventive Mechanism in line with the Optional Protocol to the Convention against Torture, and to strengthen the cooperation with the international human rights system. The Inter-ministerial body for human rights, which is chaired by the Minister of Foreign Affairs, and one of the associate members of which is a representative of the Ombudsman's Office, has requested the Ombudsman's Office to submit its opinion about the need for legislative amendments to the mandate of the Ombudsman, primarily with a view to including human rights promotion in the mandate, then with a view to strengthening the guarantees for the Ombudsman's Office independence and pluralism, and with a view to harmonizing the law with the Optional Protocol to the Convention against Torture. At the meeting of the Inter-ministerial body, held on 12 April 2013, it was agreed that in cooperation with the Ministry of Justice, the Ombudsman's Office was to design an Action Plan laying out the measures for ensuring an "A" status for the Ombudsman's Office, in line with the Paris Principles, and in keeping with the required amendments to the Law on the Ombudsman (the body proposing the draft Law will be the Ministry of Justice). The 2013 Budget of the Ombudsman's Office has a separate budget line for the National Preventive Mechanism in the amount of MKD 520,000, by which one of the requests of the Sub-Committee on Accreditation has been satisfied.

23. The Republic of Macedonia intensively cooperates with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).

24. In February 2007, an Analysis was prepared of the situation in prisons and educational and correctional institutions in the Republic of Macedonia. The Government

endorsed the Analysis. based on which the 2008-2012 Strategic Plan of the Administration for Execution of Sanctions was prepared. The Plan defines the priority reform activities for purposes of improving the situation in prisons. Thus, according to this Strategic Plan, the reform of the penitentiary system has two components: The first component consists of improving the conditions and increasing the capacities for accommodation of inmates and of juveniles, and improvement of the offices of the staff working in these institutions. The second component of the penitentiary system reform consists of strengthening the staff capacities, both in prisons and at the Administration for Execution of Sanctions by recruitment of new staff and through training and education of already recruited staff. As regards the issue of the Tetovo Educational and Correctional Institution, in October 2010, this Institution was relocated at the minimum-security ward at the Idrizovo Prison, in the city of Veles. This facility is made fully available for accommodation of juveniles who are ordered stay in an educational and correctional institution. The total usable area of this facility is 1000 m2, and it has the capacity of 65 beds.

25. With respect to remarks about the use of cells to place juveniles staying at the Tetovo Educational and Correctional Institution, it is pointed out that juveniles are ordered the disciplinary measure of solitary confinement only in exceptional cases, and when they are subject to this measure, juveniles are not isolated, i.e. they are placed together with juveniles staying at the ward for enhanced correctional supervision.

26. In order to provide better material conditions at the Idrizovo Prison, several prison wards were reconstructed: in 2009, the geriatric ward for 50 inmates; the facility called "School" which accommodates 100 inmates; in addition, the kitchen, the bakery and the laundry room were also refurbished. Furthermore, the dentist's office and the gynaecology dispensary were completely refurbished. In 2010, the facilities of the medium-security ward at the Idrizovo Prison were reconstructed. This ward has a total area of 532 m^2 and accommodates 112 inmates. A new bakery was opened in July 2010 and it works according to the HACCP standards. The bakery has the capacity of manufacturing 1,500 units of breads in eight hours. Inmates working in three shifts operate the bakery. The fully reconstructed V prison wing (accommodating 95 inmates) was opened in May 2011, as were the reconstructed watchtowers. The II wing of this Prison accommodating 140 inmates was fully reconstructed in 2012. The other reconstruction activities at the Idrizovo Prison include construction of three walking areas in the maximum-security ward, then complete reconstruction of the women's ward, etc. In respect of remarks about the situation of detention facilities at the Tetovo Police Station, please see paragraph 106, with respect to Article 11.

27. Conditions for pre-trial detention at the Skopje Prison were greatly improved. Thus, in 2009, the new prison wing for pre-trial detention was opened; 8 walking areas were constructed (each of 378 m2); pre-trial detention cells were equipped with new beds, mattresses, bed linen and personal lockers; a doctor's office was constructed and opened, providing regular medical examinations and medical protection for pre-trial detainees. The old pre-trial detention ward was completely reconstructed and refurbished (25 rooms with about 600m2); the entrance gate was reconstructed and was converted into a facility for entry and control of employees and visitors; the bathroom in the maximum-security ward was reconstructed, as was the minimum-security ward at the Prison.

28. The right of pre-trial detainees to spend at least two hours in the open is envisaged under the Law on Criminal Procedure and the manner of movement of pre-trial detainees has been regulated in greater detail in Article 31 of the Rulebook on house rules for execution of pre-trial detention in pre-trial detention facilities in prisons. According to Article 112 of the Law on Execution of Sanctions: "The convicts must be enabled to spend at least two hours daily outside the closed premises." With respect to the right of pre-trial detainees to daily walks in the open, prisons, which have pre-trial detention wards, enable

all pre-trial detainees at least 2 hours of walk outside the closed premises. Only in exceptional cases, owing to the large number of per-trial detainees and over-crowded wards in prisons, when due to objective reasons, the two-hour walks cannot be provided until required conditions have been fulfilled, pre-trial detainees are provided at least one hour walks daily in line with European standards.

29. In 2008, the Government of the Republic of Macedonia adopted the first National Strategy for protection against domestic violence covering the period from 2008 to 2011. The Strategy establishes a comprehensive and efficient system of protection against and prevention of domestic violence, which has resulted in reducing the occurrences of domestic violence and in improvements of the quality of protection through application of systemic measures in areas of prevention, intervention, education, monitoring and inter-sector coordination. A National Coordination Body has also been established composed of representatives of in-line ministries and civil society organizations. In July 2012, the Government of the Republic of Macedonia adopted the National Strategy for the prevention of and protection against domestic violence covering the period from 2012 to 2015. This Strategy is implemented in five priority areas: prevention, protection, assistance and support to victims of domestic violence; prosecution of perpetrators; inter-ministerial cooperation and strengthening institutional capacities; monitoring; and evaluation.

30. With a view to improving the system for protection of victims of domestic violence, the following measures have been undertaken:

- A Joint Protocol outlining the treatment in cases of domestic violence has been adopted;
- The first Counselling Centre for parents and children victims of domestic violence has been opened;
- A Centre for victims of domestic violence has been opened in the city of Sveti Nikole;
- The first Counselling Centre for work with perpetrators of domestic violence has been opened in Skopje;
- There have been activities to standardize and license services offering legal aid. This resulted in the establishment of an NGO network for the prevention of and protection against domestic violence;
- A Guidebook on legal assistance to victims of domestic violence has been published;
- The Methodological Guidelines for treatment of victims of domestic violence have been revised with a view to more uniformed, more efficient and professional pursuance of procedures at Social Work Centres;
- The Program for economic empowerment of victims of domestic violence is successfully pursued through active employment measures, under the three sub-programs: self-employment, subsidized employment, and acquiring/completing qualifications. The total number of women-victims of domestic violence covered by these activities is about 60;
- The public at large is sensitized through campaigns:
    - 2009 – "A real man never hits a woman!";
    - 2010 – "I have the courage and strength to say NO to violence. You can do it too!";

- 2011 – Media campaign for fight against domestic violence entitled "Let's leave the darkness of violence together!" which sends a clear message of unity to all social groups.

31. Aiming at creating an efficient protection system, the Law Amending and Supplementing the Law on the Family (Official Gazette of the Republic of Macedonia No. 84/08, dated 11 July 2008) has harmonized the definition of domestic violence with that contained in the Criminal Code of the Republic of Macedonia. In this context, the scope of persons having close personal relationships that might be victims or perpetrators of domestic violence has been expanded. The Law defines close personal relationships as relationships between persons of the opposite gender who are or have been partners, but who do not live together in a domestic partnership. In addition, these amendments define more precisely the term for reporting to social work centres about procedures undertaken by other bodies, limiting this term to 72 hours so that the full set of documents could be efficiently collected for purposes of further processing the case.

32. Aiming at reaching greater efficiency of protection measures, it is planned to more actively involve the civil sector, by delegating competences to associations of citizens registered for performance of social protection activities, alone or in cooperation with Social Work Centres. Thus, such associations can undertake protection measures, except institute proceedings before relevant courts; then they can undertake measures relating to settling relationships between children and parents and if necessary, they can file petitions with courts for provisional protection measures. There are relevant legal provisions regulating the cooperation between Social Work Centres and associations. Thus, associations submit reports and the entire documentation to Social Work Centres within 72 hours as of undertaking protection measures, following which, within 24 hours, Social Work Centres deliver relevant decisions.

33. Furthermore, in addition to the possibility of victims filing petitions with courts through Social Work Centres, under the amendments, victims have also the possibility of filing petitions in their own capacity directly with courts asking for provisional protection measures.

34. In order to enable the unimpeded implementation of the provisional protection measure of referring perpetrators of domestic violence to relevant counselling, the Law on Social Protection (Official Gazette of the Republic of Macedonia No. 79/09) envisages establishment of counselling centres for perpetrators of domestic violence. The first Counselling Centre for work with perpetrators of domestic violence has been opened in Skopje. In addition, a Rulebook has been adopted setting forth norms and standards to be fulfilled in order to establish a social protection institution- Counselling Centre for perpetrators of domestic violence, and a Program of work for psychological and social treatment of perpetrators of domestic violence has been designed.

35. The Law on Social Protection (Official Gazette of the Republic of Macedonia No. 79/09) envisages non-institutional forms of protection of victims of domestic violence, i.e. Centre for victims of domestic violence. A regional network of shelters for victims of domestic violence has been established, covering four cities: Skopje, Bitola, Kocani and Sveti Nikole.

36. There have been significant efforts to advance the education of professional staff, in which respect the principles of inter-ministerial cooperation and networking of local capacities have been extensively applied:

- In this context, 559 professionals have been trained: from social work centres, health care institutions, educational institutions, the local self-government and from civil society organizations;

- 280 professionals have been trained for application of the adopted Joint Protocol for treatment in cases of domestic violence by relevant institutions, i.e. by professionals from Social Work Centres, police officers, health care professionals, the judiciary and representatives of civil society organizations;
- 17 professionals have been trained as trainers for provision of psychosocial support to victims of domestic violence;
- 15 professionals have been trained for work at counselling centres for children and mothers - victims of domestic violence;
- 76 professionals from 25 Social Work Centres attended advanced training for provision of psychosocial support to victims of domestic violence;
- 30 professionals from Social Work Centres have been trained about standards to be followed by Social Work Centres in treatment of victims of domestic violence and in provision of legal assistance;
- 1560 health care workers (physicians, psychiatrists, gynaecologists and doctors working in emergency wards) have been trained on early detection and prevention of domestic violence;
- 70 professionals from 9 faculties – faculties of social work and social policy, pedagogy, psychology, medicine, law, as well as from the Institute for sociological, political and legal research, then from the faculty of gender studies, faculty for higher education of nurses and from the faculty of security have been trained about Word Health Organization modules for prevention of violence;
- 14 professionals have been trained for work with perpetrators of domestic violence and for their psychosocial treatment;
- 60 professionals from Social Work Centres and from the Employment Agency of the Republic of Macedonia have been trained for work with victims of domestic violence with a view to greater involvement of victims of domestic violence in employment programs;
- 160 police officers and professionals from Social Work Centres have been trained about practical aspects in undertaking measures in cases of domestic violence and about undertaking legal measures through coordination between Social Work Centres and police officers; 8 one-day trainings have been organized by the Academy for Training of Judges and Public Prosecutors, the Ministry of Labour and Social Policy and the Ministry of the Interior;
- 29 judges, 16 public prosecutors and professionals from Social Work Centres have been trained about the establishment of a mechanism to coordinate relevant activities of Social Work Centres and courts with respect to key elements of supervision over the exercise of parental rights in the context of protecting children against domestic violence;
- The licensing process has started as part of activities to strengthen capacities of professionals in social protection institutions. The Social Protection Institute has adopted a Program for initial and continual education about the process of issuance, renewal and withdrawal of licenses for work of professionals;
- School leaders have been trained in 20 primary schools with the purpose of designing a school policy that would promote and encourage non-violent behaviour in schools. Furthermore, there has been a research conducted about violence in schools, and an investigative report has been prepared, called "Study of the initial situatior with violence in primary schools in Macedonia." In addition, a brochure

has been published, called "Eliminating violence in schools – Teacher's Guide", aimed at provision of assistance in dealing with and preventing violence in schoolrooms and in schools.

Year	*2008*	*2009*	*2010*	*2011*	*2012*
Reported cases of domestic violence	447	751	651	733	854
Gender structure					
Women	390	612	525	576	657
Men	48	97	85	93	116
Children	9	42	41	64	81
Type of violence					
Physical violence		402	339	512	502
Psychological violence		327	395	509	410
Sexual violence		0	3	2	3
Economic violence		18	2	6	9
Cases instituted with courts	88	101	158	251	310
Adopted measures	37	79	137	183	223
Placement in a shelter	22	28	25	27	42

Source: Ministry of Labour and Social Policy- data collected from Social Work Centres.

37. The Ministry of Labour and Social Policy, the Coordinative Office of the National Referral Mechanism for victims of trafficking in human beings, in cooperation with Social Work Centres and NGOs provide assistance and protection to victims of trafficking in human beings, in following with principles of respect for human rights and freedoms, children's rights and in line with Standard Operative Procedures for treatment of victims of trafficking in human beings. Assistance and protection are provided as follows:

- Initial assessment of needs of persons who are presumed to be victims of trafficking in human beings, organization and coordination of relevant assistance (interventions in crisis situations, psychosocial support and counselling, food, clothing, medical assistance);
- Referral to and accommodation in state-run shelters, returning victims to their families, or finding appropriate accommodation;
- Designated social workers from Social Work Centres, relevant services at the Ministry of the Interior and the Ministry of Foreign Affairs find the family and assess if it is appropriate and whether the family is prepared for the return of juveniles; they also collect the required documentation, personal identification documents, medical records, etc.;
- Free legal aid, consisting of providing the victim with information about their rights and status, then about the course of proceedings in which they are involved as the damaged party and which include both the investigative procedure and the main hearing;
- Implementation of individualized programs for resettlement and reintegration of victims of trafficking in human beings (inclusion in the education system, completing degrees of qualification, etc.).

38. In pursuance with the Law on Social Protection (Official Gazette of the Republic of Macedonia No. 79/09, Articles 26 and 31), a state-run shelter, i.e. Centre for victims of

trafficking in human beings was opened on 28 January 2011. The Centre accommodates victims of domestic violence that can be nationals or foreign nationals who have received temporary stay permits. Victims are accommodated in the Centre voluntarily by signing a written consent. Guardians of juvenile victims of trafficking in human beings sign the consent, while the relevant Social Work Centre issues a decision for placement of the juvenile in the Centre.

39. Two NGOs with which the Ministry of Labour and Social Policy has signed a Memorandum of Cooperation, provide direct assistance and support to victims: the NGO called "Otvorena Porta" (Open Gates), which provides social support, and the NGO called "For a happy childhood", which provides psychological support. The social support team consists of 7 persons, and the social support program is implemented through group and individual sessions, depending on the needs and interests of beneficiaries. Support activities also include provision of assistance for education, medical interventions, and assistance in dealing with personal problems. The psychological support team consists of 3 persons who conduct every day individual and group psycho-educational activities.

40. The process of victim reintegration starts at the Centre for victims of trafficking in human beings. Social workers assess the family situation to establish whether it is appropriate and whether the family has the capacity of being involved in the resettlement and reintegration process. The team at the Centre for victims of trafficking in human beings prepares victims for their return and informs them about the manner of travel and about the procedure of transfer to the relevant Social Work Centre.

41. In addition to providing short-term assistance to victims, assistance activities at the Centre are also aimed at long-term support and social inclusion, and are pursued in cooperation with social workers from Social Work Centres. The person assigned to the case prepares a final report, which also contains a draft plan for reintegration; this report is submitted to the relevant Social Work Centre. The Social Work Centre, which is in charge of the case at the local level, establishes contacts with the family or finds another appropriate place for integration of the victim in a safe social environment. Plans for reintegration are obligatorily drafted for juveniles, while in the case of adult victims, if they do not wish to be included in the reintegration program, they are offered information about relevant institutions and organizations they can contact to get assistance and support. Upon the request of victims, the team at the Centre for victims of trafficking in human beings regularly contact victims that have left the Centre.

42. In 2012, in cooperation with NGOs, the Ministry of Labour and Social Policy implemented a pilot project, in 3 cities (Kumanovo, Bitola and Gostivar), establishing 6 mobile teams, composed of social workers from Social Work Centres and from NGOs. The task of mobile teams is to detect victims of trafficking in human beings/ vulnerable groups in the local community, then to find and propose possible solutions for overcoming problems, as well as to provide assistance and support to identified victims of trafficking in human beings and their families and to implement reintegration programs.

43. Direct assistance and support to victims, their families and to vulnerable groups consist of:

- Counselling – psychosocial assistance and support with a view to establishing trust in the personal capacities and capabilities (individual empowerment of victims, individual settlement of conflicts and building interpersonal relationships of respect among family members);
- Reintegration – assistance and support in the process of the victim's inclusion in the social environment, assistance in acquiring skills for independent life (economic empowerment, vocational training courses, etc.);

- Return to the education system – provision of textbooks and other school services/needs;
- Medical assistance – for persons without health care insurance, medical services (laboratory and dentists services, provision of medicines, gynaecological examinations, etc.);
- Legal advice and assistance – in ensuring required documentation (personal identification cards, health care documentation, nationality certificates, etc.);
- Useful leisure time – activities are organized according to the interests and capacities of victims/vulnerable groups (sport clubs, youth clubs, libraries, etc.);
- Satisfying other identified needs, based on a relevant assessment and priorities set by mobile teams (provision of warm clothes and shoes, bed linen, blankets, heating wood, etc.) and implementation of activities for acquiring cultural, hygienic and other skills, i.e. habits.

44. Trafficking in human beings is ex officio criminally prosecuted in accordance with the Criminal Code of the Republic of Macedonia: Article 418-a – trafficking in human beings, Article 418-b – smuggling of migrants, Article 418-c – organization of a group and inciting the commitment of the crimes of human trafficking, trafficking of juveniles and smuggling of migrants and Article 418-d – trafficking in juveniles (annex I).

45. According to information from the National Commission for combating trafficking in human beings and illegal migration, in 2009, there were 8 cases of trafficking in human beings, involving 8 victims, in which 17 perpetrators were criminally charged.

46. Out of the 8 victims, 7 were minors, 6 of whom were Macedonian nationals at the age from 14 to 17 years. In all cases in which victims were found and identified, the National Referral Mechanism provided them assistance. 4 victims- Macedonian nationals were referred to and accommodated at the shelter managed by the NGO Open Gates. The National Referral Mechanism referred to relevant institutions 6 potential victims. A provisional guardian was appointed for 2 juvenile victims. In one case of return of a juvenile victim to Kosovo, standard operative procedures were applied in cooperation with the Ministry of the Interior.

47. The most common elements of exploitation of all victims is conclusion of sham marriages and labour exploitation at facilities of the hospitality industry, or these elements are combined with begging and sexual exploitation.

48. In 2008, the legal counsellor at the National Referral Mechanism represented 9 juvenile victims before the Skopje I First Instance Court. These court cases were finalized and damage compensation was awarded.

Trafficking in Human Beings	*2009*	*2008*
Cases	8	10
Perpetrators of crimes	17	25

Source: Ministry of the Interior- Unit for Combating Trafficking in Human Beings and Migrant Smuggling.

49. 2009 inclusive, court proceedings started in 2 cases. The Public Prosecutor's Office for prosecution of organized crime has still not instituted proceedings in the remaining 6 cases.

50. In 2010, 3 criminal charges were brought for the crime of trafficking in juveniles under Article 418-d of the Criminal Code of the Republic of Macedonia. 12 persons were criminally charged, and 5 juvenile victims were identified. There is an on-going investigation in the case of prostitution involving juveniles in the city of Stip, in which there are elements of trafficking in juveniles. The case involves 13 perpetrators and 2 juveniles. The Skopje 1 First Instance Court adopted one judgment under Article 418-d of the Criminal Code. According to the nationality structure, perpetrators are Macedonian nationals (10 from the city of Gostivar and 2 from the city of Veles), 11 are men, and one perpetrator is a woman. Most of the perpetrators (11) are at the age from 20 to 35 years, and one perpetrator is 67 years of age. They committed the crimes in their capacity as owners of hospitality facilities.

Trafficking in human beings in 2010

Criminal charges filed	*Criminal Code of the Republic of Macedonia*	*Perpetrators*	*Victims*
Criminal charges No, KU 27/10, 27 April 2010	Article 418-d, paragraphs 1,2,3 and 418-b paragraph 1	7	2 juveniles
Criminal charges No. KU 44/2010, 11 June 2010	Article 418-d	2	2 juveniles
Criminal charges No, KU 64/2010, 16 September 2010	Article 418-d, paragraphs 1 and 2	3	1 juvenile
Potential victims – Macedonian nationals exploited abroad (sham marriage)			5 juveniles
Criminal charges filed by the Stip Sector for Internal Affairs (in the investigation stage)	Article 188 and Article 192	13	2 juveniles
Total	**3 criminal charges under Article 418-d**	**25**	**12**

Source: Ministry of the Interior- Unit for Combating Trafficking in Human Beings and Migrant Smuggling.

51. In 2011, the Ministry of the Interior filed with the Basic Public Prosecutor's Office for prosecution of organized crime and corruption 5 criminal charges in total (under Article 418-d, 418-d and b and Article 191, having submitted also one special report about investigative activities under Article 418-d). A total number of 35 perpetrators were criminally charged, of whom 34 males and 1 female. 11 victims were identified, of whom 6 juveniles (5 Macedonian nationals and 1 foreign national –victim of trafficking in human beings) and 5 adult victims (4 of whom Macedonian nationals and 1 foreign national victim of trafficking in human beings). All victims of trafficking in human beings were female. The most common purpose of trafficking in human beings was sexual exploitation.

Trafficking in human beings in 2011

Trafficking in juveniles Article 418-d Trafficking in human beings Article 418-a Trafficking in juveniles Article 418-d, and *Mediation in conducting prostitution Article 191	**Criminal charges** Article 418-d 2 criminal charges Article 418-a 2 Criminal charges Article 418-d/c and Article 191 1 criminal charge **Total: 5 criminal charges** Special report	**Perpetrators** Article 418-d: 6 Article 418-a: 6 Article 418-d/c and Article 191: 22 Article 418-d: 1 special report **Total: 35**	**Judgments under the Criminal Code in cases involving victims-foreign nationals:** 1 final judgment

	Article 418-d: 1		4 male and 1 female perpetrator		
Victims: 11					
Juveniles: 6			Adults: 5		
Macedonian nationals: 5	Foreign nationals: 1		Macedonian nationals: 4	Foreign nationals: 1	
Type of exploitation			**Type of exploitation**		
Labour and sexual exploitation	Labour exploitation	Sexual exploitation	Labour and sexual exploitation	Labour exploitation	Sexual exploitation
1	1	4	1	/	4

Source: Ministry of the Interior- Unit for Combating Trafficking in Human Beings and Migrant Smuggling.

52. In 2012, the Ministry of the Interior – Unit for Combating Trafficking in Human Beings and Migrant Smuggling detected 3 crimes of trafficking in human beings and 1 crime of trafficking in juveniles. In addition, the Centre for suppression of serious organized crime filed three criminal charges with the Basic Public Prosecutor's Office for prosecution of organized crime and corruption in 3 cases of the crime of "trafficking in human beings" and in 1 case of "trafficking in juveniles", against 6 perpetrators (5 men and 1 woman). For the first time in the Republic of Macedonia, 2 male victims of trafficking in human beings for purposes of labour exploitation were detected (1 juvenile victim of trafficking in human beings – national of the Republic of Macedonia, 1 adult victim-national of the Republic of Albania) who were subject to labour exploitation.

Trafficking in human beings in 2012

Trafficking in juveniles Article 418-d Trafficking in human beings Article 418-a Trafficking in juveniles Article 418-d, c and *Mediation in conducting prostitution Article 191	**Criminal charges**: 3 1 criminal charge, 2 criminal charges Article 418-a, Article 418-a, Article 418-d Special reports: 3	**Perpetrators:** 6	**Judgments following criminal charges** 1 judgment in 2012 against perpetrators caught following the police action "Nok-Night" – total sentence of 52 years for 7 indicted persons

Victims: 8					
Juveniles: 5			Adults: 3		
Macedonian nationals: 4	Foreign nationals: 1		Macedonian nationals: /	Foreign nationals: 3	
Type of exploitation			**Type of exploitation**		
Labour and sexual exploitation	Labour exploitation	Sexual exploitation	Labour and sexual exploitation	Labour exploitation	Sexual exploitation
3	1 male	1 sham marriage	1	1 male	1 sham marriage
Presumed victims: 77					

Source: Ministry of the Interior- Unit for Combating Trafficking in Human Beings and Migrant Smuggling.

Article 3

53. With a view to harmonizing the domestic legislation in areas of asylum and migration with the European Union Acquis, it was necessary to adopt the Law Amending and Supplementing the Law on Asylum and Temporary Protection, by which the provisions of the following Directives were transposed in the national legislation: Council Directive 2003/9/EC, of 27 January 2003 laying down minimum standards for the reception of asylum seekers, Council Directive 2004/83/EC, of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as

persons who otherwise need international protection and the content of the protection granted and Council Directive 2005/85/EC, of 1 December 2005, on minimum standards on procedures in Member States for granting and withdrawing refugee status. The said Law entered into force in December 2012.

54. The Law offers a solution to certain issues with a view to improving asylum procedures, first instance decisions, as well as decisions determining the status of a refugee.

55. As regards the application of the summary, i.e. accelerated procedure, it is underlined that this procedure is applied only in exceptional cases, exhaustively stated in Article 35 of the Law on Asylum and Temporary Protection (Official Gazette of the Republic of Macedonia No. 49/03, 66/07, 142/08, 146/09 and 166/12). In the practice, the regular procedure proved to be more appropriate since it offers the possibility to apply a thorough approach towards the case and adopt a more relevant decision.

56. According to Article 37 of this Law, the asylum seeker has the right to appeal the decision rejecting the asylum application in the summary procedure within 7 days from the day of delivery of the decision. The appeal stays the execution of the decision, and the appeal is decided upon by the relevant court within 30 days from the day of submission of the appeal.

57. In respect of the issue of measures undertaken for gender mainstreaming in the context of the asylum procedure, it is necessary to underline that the Law on Asylum and Temporary Protection (Official Gazette of the Republic of Macedonia No. 49/03, 66/07, 142/08, 146/09 and 166/12), has provisions on vulnerable groups. Thus, Article 23-a, paragraph 5 of this Law envisages that in assessing the asylum application gender specific forms of persecution need to be taken into consideration.

58. In the case of Khaled El-Masri, in December 2012, the European Human Rights Court found the Republic of Macedonia responsible for the following violations:

- Violation of Article 3 of the European Human Rights Convention – the state failed to undertake an effective investigation into the applicants allegations;
- Violation of Article 3 – inhuman and degrading treatment of the applicant during his detention in a hotel, in Skopje;
- Violation of Article 5 – keeping the applicant in detention in a hotel, in Skopje for 23 days;
- Violation of Article 13 of the Convention – lack of an efficient remedy for violations of Article 3, 5, and 8.

59. The European Human Rights Court awarded the applicant EURO 60,000 for non-pecuniary damages to be paid by the Republic of Macedonia within three months as of the adoption of the judgment. The procedure for the enforcement of the judgment is underway and the obligations will certainly be fulfilled. In the context of the judgment in the El-Masri case, the Inter-ministerial committee for enforcement of judgments of the European Human Rights Court, which is chaired by the Minister of Justice of the Republic of Macedonia, considered and adopted further general and specific measures with a view to implementing the said judgment.

60. **Number of asylum applications registered within the territory and at border crossings, number of decisions granting refugee status, filed appeals and their outcome:**

- **2008-36 asylum applications filed-** 6 applications filed by persons from Afghanistan, 5 by persons from Albania, 13 by persons from Kosovo, 4 by persons

from Palestine, 4 by persons from Serbia and by 1 person each from Iraq, Iran, Nigeria and Somalia.

- **2009-88 asylum applications filed:** 78 applications involving the same number of persons from Afghanistan, 2 applications filed by persons form Kosovo, and 1 application each filed by persons from the Czech Republic, Eritrea, India, Bosnia and Herzegovina, Serbia, Nigeria, Tunisia and Iraq.

- **2010-147 asylum applications** involving 156 persons: 59 applications involving 67 persons from Afghanistan, 27 applications involving 27 persons from Palestine, 20 applications involving 20 persons from Pakistan, 13 applications involving the same number of persons from Somalia, 5 applications involving 5 persons from Eritrea, 4 applications each involving four persons from Bosnia and Herzegovina and from Iraq, 3 applications involving 3 persons from Kosovo, 2 applications involving 2 persons each from Iran, Morocco and Algeria, 1 application involving two persons from Russia, and 1 application involving 1 person each from Serbia, Sudan, Syria, Bangladesh and Tunisia.

- **2011-668 applications** involving 735 persons: 337 applications involving 393 persons from Afghanistan, 181 applications filed by persons from Pakistan, 50 applications involving 52 persons from Somalia, 26 applications filed by persons from Palestine, 18 applications filed by persons from Morocco, 10 applications filed by persons from India, 9 applications involving 15 persons from Iraq, 6 applications filed by persons from Sudan, 6 applications involving 7 persons from Iran, 4 applications filed by persons from Algeria, 3 applications involving 4 persons from Serbia, 3 applications filed by persons from the Comoros, 2 applications involving two persons each from Libya, Eritrea, Syria, Sri Lanka and Georgia, 1 application involving two persons from Russia and 1 application involving 1 person each from Nepal, Mauritania, Tunisia and Ukraine (in 2011 one decision granting refugee status to a person under subsidiary protection was adopted).

- **2012-539 applications:** 183 applications filed by persons from Afghanistan, 154 applications filed by persons from Pakistan, 80 applications filed by persons from Somalia, 28 applications filed by persons from Morocco, 27 applications filed by persons from Palestine, 18 applications filed by persons from Algeria, 5 applications each filed by persons from Bangladesh and Iran, 4 applications each filed by persons from Mauritania, Syria and Tunisia, 3 applications each filed by persons from Nigeria, Sierra Leone, Egypt and Sudan, 2 applications each filed by persons from Serbia, the Comoros, and Western Sahara, 1 application each filed by persons from Mali, Bulgaria, Russia, Armenia, the Gambia, Kazakhstan, Guinea, Kosovo and Sri Lanka.

61. The reasons for not granting refugee status are related to the fact that asylum applicants leave the Asylum Centre very soon after filing an asylum application, considering that their intended final asylum destination is not Macedonia, but some of the countries in Western Europe.

62. As regards the issue of detailed statistics relating to the age, gender and nationality of asylum seekers in the Republic of Macedonia, the Asylum Department will be able to provide such data after the integrated database for foreign nationals, which includes data about asylum, migrations and visas becomes operational.

63. In respect of the issue of granted refugee status, it is informed that in 2011 one decision was adopted granting refugee status to a person under subsidiary protection.

64. **Number of prevented attempts for illegal border crossing and number of foreign nationals found within the territory of the country who have managed to illegally cross the national border or who are illegally staying in the country:**

- **In 2008,** a total number of 1080 attempts to illegally cross the state border were prevented. According to the country of origin, most of the persons attempting to illegally cross the border were from Albania – 858, from Macedonia – 133, from Kosovo – 46, from Serbia – 18, from China – 7, from Afghanistan – 3, from Greece – 3, from Bangladesh – 2, from the USA – 2, from Iraq – 2, and 1 each from Palestine, Montenegro, France, Italy, Turkey and Ukraine. In the same year, a total number of 299 foreign nationals, who previously had illegally crossed the border, were found within the territory of the country. According to the country of origin, most of these persons were from Albania – 280, Kosovo – 6, Greece – 4, Serbia –3, Afghanistan – 2, and 1 national each from Romania, Italy, Iran and Bulgaria.

- **In 2009,** a total number of 1111 attempts to illegally cross the state border were prevented, and according to the country of origin most of the persons attempting to illegally cross the border came from Albania – 919, from Macedonia – 99, from Kosovo – 38, from Afghanistan – 36, 4 each from Serbia, Greece and Palestine, 2 from China and 1 each from Iraq, USA, Turkey, Russia and India. A total number of 272 foreign nationals, who had previously illegally crossed the border, were found within the territory of the country, and according to the country of origin most of them were from Albania – 236, Afghanistan – 24, Serbia – 5, 2 each from Kosovo and the Netherlands, and 1 each from Croatia, Bulgaria and Greece.

- **In 2010,** a total number of 766 attempts to illegally cross the border were prevented. According to the country of origin, most of the persons attempting to illegally cross the border came from Albania – 625, from Macedonia – 90, from Kosovo – 17, from Afghanistan – 9, from Palestine –7, 3 each from Bulgaria, Somalia and Greece, 2 each from Eritrea, Serbia and Iran, and 1 each from Iraq, Morocco and Sudan. The same year, a total number of 333 foreign nationals who had previously illegally crossed the border, were found within the territory of the country. According to the country of origin, most of them were from Albania – 267. Kosovo –13, 10 each from Palestine and Bulgaria, 7 each from Somalia and Afghanistan, 5 each from Serbia and Greece, 4 from Germany, 2 from Morocco and 1 each from Turkey, Tunisia and Eritrea.

- **In 2011,** a total number of 209 attempts to illegally cross the border were prevented. According to the country of origin, most of the persons attempting to illegally cross the border came from Albania – 92, from Macedonia – 73, from Kosovo – 23, from Pakistan – 6, 5 each from Afghanistan and Somalia, and 1 each from Bosnia and Herzegovina, Sri Lanka, Russia, Algeria and Serbia. The same year, a total number of 259 foreign nationals who had previously illegally crossed the border, were found within the territory of the country. According to the country of origin, most of them were from Albania – 124. Afghanistan – 52, Pakistan – 17, Kosovo – 14, Serbia – 12, Morocco – 11, Somalia – 6, 4 each from Bulgaria and from Iraq, 3 from Palestine, 2 each from the UK and Turkey, 1 each from Tunisia, Libya, Iran, Estonia, Austria, Algeria, Greece and 1 stateless person.

- **In 2012,** a total number of 251 attempts to illegally cross the border were prevented. According to the country of origin, most of the persons attempting to illegally cross the border came from Albania – 137, from Macedonia – 68, from Kosovo – 13, from Serbia – 9, from Pakistan – 8, from Morocco – 6, 3 each from Afghanistan and the UK and 1 each from the Netherlands, Senegal, Turkey and Iraq. The same year, a total number of 421 foreign nationals who had previously illegally crossed the border, were found within the territory of the country. According to the country of

origin, most of them were persons from Albania – 191. Pakistan – 80, Afghanistan – 62, Somalia – 34, Palestine – 10, 8 each from Kosovo and Turkey, Algeria – 5, 4 each from Bangladesh and Eritrea, 3 each from Sudan, Morocco and Serbia, Bulgaria – 2, and 1 person each from Guinea, Tunisia, China and Russia.

Number of decisions for provisional detention of foreign nationals at the detention centre of the Ministry of the Interior- Gazi Baba- based on legal grounds for provisional detention, number of appeals against such decisions and the duration of the stay at the detention centre

65. Foreign nationals may be detained at the Reception Centre for Foreign Nationals based on a decision for provisional detention of a foreign national at the Reception centre for Foreign Nationals, in line with Article 108, paragraphs 3 and 4 of the Law on Foreign Nationals.

66. In the period from 2008 to 2012, a total number of 1,140 decisions were adopted for provisional detention of foreign nationals at the Reception Centre for Foreign Nationals, while the legal grounds for their detention was illegal entry and stay in the Republic of Macedonia and establishment of their identity. In the hitherto period, there have been no appeals filed against such decisions. According to the relevant legislation, foreign nationals may be detained for 12 months at the most, while in average they stay up to 60 days at the Reception Centre.

67. Out of the total number of 1,140 decisions for provisional detention of foreign nationals, 116 decisions were adopted in 2008, 192 in 2009, 161 in 2010, 211 in 2011 and 460 decisions for provisional detention of foreign nationals at the Reception Centre for Foreign Nationals were adopted in 2012.

68. According to year, nationality, gender and age of persons staying at the Reception Centre for Foreign Nationals, the situation is the following:

- **In 2008,** out of a total number of 116 persons, 82 were male and 34 were female. Most of the persons were from Albania – 39 (27 male and 12 female), China – 16 (10 male and 6 female), Kosovo – 15 (8 male and 7 female), Serbia – 10 (1 male and 9 female), Afghanistan – 8, Turkey – 7, Palestine – 4, 3 each from India and Bosnia and Herzegovina, Bangladesh – 2, 1 each from Poland, Switzerland, Syria, Iraq, Iran, Ukraine, Jordan, Somalia and Colombia- all male. According to the age, 110 were over 18 years of age, 4 persons were at the age between 14 and 17, and 2 persons were at the age below 14.
- **In 2009,** out the total number of 192 persons, 157 were male and 35 were female. Most of the persons were from Afghanistan – 89 males, Albania – 48 (29 male and 19 female), Turkey – 16 (15 male and 1 female), Kosovo – 13 (10 male and 3 female), Serbia – 12 (1 male and 11 female), Nigeria – 4 males, China 3 (2 male and 1 female) and 1 male each from Bosnia and Herzegovina, the Ivory Cost, Tunisia, Iraq, Russia, Somalia and the Comoros. According to the age, 149 persons were of more than 18 years of age, 38 were at the age between 14 and 17, and 5 were below 14 years of age.
- **In 2010,** out of the total number of 161 persons, 129 persons were male and 32 were female. Most of them were from Palestine – 39 persons all male, Albania – 36 (21 male and 15 female), Kosovo – 18 (9 male and 9 female), Afghanistan – 18 males, Somalia – 15 males, Slovakia – 4 (1 male and 3 female), Serbia – 4 (1 male and 3 female), Eritrea – 4 all male, 3 males each from Iraq, Iran, and Pakistan, 2 males each from Turkey, Morocco and Algeria, 2 females from Bulgaria and 1 male each from Greece, Sudan, Montenegro, Nigeria, Germany and Tunisia.

According to their age, 151 persons were older than 18 years, and 10 persons were at the age between 14 and 17.

- **In 2011,** out of the total number of 211 persons, 172 were male and 39 were female. Most of the persons were from Afghanistan – 74 (71 male and 3 female), Pakistan – 25 males, Morocco – 17 males, Turkey – 13 males, Albania – 13 (4 males and 9 females), Somalia – 11 (9 male and 2 female), Kosovo – 9 (4 male and 5 female), Serbia – 7 (2 male and 5 female), Iran – 6 (4 male and 2 female), Iraq – 6 males, Palestine – 5 males, Bulgaria 4 females, 3 persons each (1 male and 2 female) from the Comoros and Georgia, Algeria – 3 males, Russia – 2 females, Sri Lanka – 2 males and 1 male each from Belgium, Libya, Moldova, Mauritania and Tunisia and 1 female each from Estonia, Slovenia and the Czech Republic. According to the age, 183 persons were older than 18 years, 18 persons were at the age between 14 and 17, and 10 persons were below the age of 14.
- **In 2012,** out of the total number of 460 persons, 378 were male and 82 were female. Most of the persons were from Afghanistan -150 (140 male and 10 female), Pakistan – 132 males, Somalia – 43 (35 male and 8 female), Serbia – 30 females, Morocco – 17 (15 male and 2 female), Algeria – 14 males, Albania – 12 (5 male and 7 female), Kosovo – 11 (6 male and 5 female), Bulgaria – 9 females, Syria – 6 males, Bangladesh – 5 males, Turkey – 4 males, Eritrea – 4 (1 male and 3 female), 3 males each from Sudan and Egypt, Montenegro – 3 females, Tunisia – 2 males and 1 male each from Russia, Sri Lanka, the Comoros, Iran, Guinea, Armenia, France and 1 female each from Croatia, Germany, Italy, Bosnia and Herzegovina, and Ukraine. According to their age, 394 persons were older than 18 years, 48 persons were at the age between 14 and 17, and 18 persons were below the age of 14.

Number of decisions for expulsion, legal grounds for expulsion, number of appeals against such decisions, their outcome and countries to which concerned persons were expelled

Foreign nationals subject to the measure of expulsion in the 2008-2012 period

			Decision for expulsion according to the Law on Foreign Nationals			
Year	*Total number of foreign nationals subject to expulsion measures*	*Expulsion as a protective measure in misdemeanour proceedings*	*On grounds of prison sentence*	*Illegal stay*	*Multiple or serious violations of the Law on Foreign Nationals*	*Other grounds referred to in Article 101 of the Law on Foreign Nationals*
2008	898	92	42	296	35	433
2009	545	80	44	288	6	127
2010	679	85	45	379	4	166
2011	443	106	22	210	4	101
2012	718	94	39	378	27	180

69. **In 2008,** of the total number 898 foreign nationals who were subject to the measure of expulsion on various grounds most were from Albania – 623, Kosovo – 114, Serbia – 79, Turkey – 33, Bulgaria – 12, Romania – 7, 4 each from Bosnia and Herzegovina and Russia, 3 each from Croatia and Greece, 2 each from Germany, Montenegro, Switzerland and Ukraine, and 1 each from Italy, Norway, Poland, Sweden, France, USA, Iraq and the UK.

70. **In 2009,** of the total number of 545 foreign nationals subject to the measure of expulsion on various grounds, most were from Albania – 337, Serbia – 58, Kosovo –41, Turkey – 28, Bulgaria – 25, Romania – 17, the Comoros – 7, Greece – 5, 3 each from

Russia, China and Bosnia and Herzegovina, 2 each from Germany, Belgium, Nigeria, USA, Congo, and 1 each from Italy, Croatia, Belarus, the Philippines, Australia, Peru, Ivory Coast and Sweden.

71. **In 2010,** of the total number of 679 foreign nationals subject to the measure of expulsion on various grounds most were from Albania – 426, Serbia- 70, Bulgaria – 55, Kosovo – 54, Turkey – 21, Romania – 12, Greece – 10, Afghanistan – 5, 4 each from Germany and Montenegro, 3 each from Georgia and Croatia, USA – 2, and 1 each from Bosnia and Herzegovina, Israel, Spain, the Czech Republic, Italy, the Netherlands, Latvia, UK, Korea and Pakistan.

72. **In 2011,** of the total number of 443 foreign nationals subject to the measure of expulsion on various grounds, most were from Albania – 200, Kosovo – 98, 37 each from Serbia and Bulgaria. Turkey – 32, 5 each from Montenegro and China, Australia – 4, 3 each from Germany and Bosnia and Herzegovina, 2 each from Greece, Brazil and the UK, and 1 each from Poland, Croatia, USA, Spain, Austria, Russia, Moldova, Venezuela, Romania, Slovenia, France, Cyprus and the Netherlands.

73. **In 2012,** of the total number of 718 foreign nationals subject to the expulsion measure on various grounds, most were from Albania – 433, Kosovo – 106. Serbia – 52, Bulgaria – 43, Romania – 28, Turkey – 16, Greece – 7, 3 each from Australia and the Netherlands, 2 each from Montenegro, Croatia, Germany, Belgium, Italy, Hungary, and Belarus and 1 each from the Czech Republic, Slovenia, the USA, France, UK, Jordan, Austria, China, Russia, Switzerland, Spain, Estonia and the Republic of South Africa.

74. Article 7 of the Law on Asylum and Temporary Protection exhaustively lists cases in which a person may not be expelled or deported in any way to a country in which his/her life would be threatened and where he/she would be subject to torture or inhuman treatment. The same Article envisages that a foreign national who is a threat to the security of the Republic of Macedonia will be allowed to stay in the territory of the Republic of Macedonia as long as the concerned person would be subject to torture or inhuman or degrading treatment in the country of which he/she holds nationality, or in the case of stateless persons, in the country of his/her habitual residence.

75. According to the Law on the Family (Official Gazette of the Republic of Macedonia No. 80/92; 9/96; 38/2004; 33/2006; 84/2008; 157/2008; 67/2010; 156/2010; 39/2012 and 44/2012) a guardian is appointed for juveniles without parental care. A child without parental care is a child of unknown parents or with parents whose place of residence is not known for more than a year or a child whose parents provisionally or permanently do not fulfil their parental rights and duties regardless of the reasons thereto, or a child of foreign nationality without parental care and who is unaccompanied.

76. The public institution – Inter-Municipal Social Work Centre, conducts custody procedures, which are pursued through appointment of guardians or other persons undertaking activities relating to custody, in cooperation with the Ministry of Labour and Social Policy and the Ministry of the Interior.

77. In pursuance with the national legislation, after finding a juvenile illegal migrant, the Ministry of the Interior immediately informs the diplomatic mission or consular post of the country whose national the juvenile is with a view to establishing the members of the juvenile's immediate family. If owing to objective reasons the juvenile cannot be transferred to the authorities of the country whose national he/she is, the juvenile is placed in a special unit for juveniles at the Reception Centre for Foreign Nationals.

78. After receiving information from the Ministry of the Interior that a juvenile is provisionally placed at the Reception Centre for Foreign Nationals on grounds of the juvenile's being an illegal migrant, the public institution – Inter-Municipal Social Work

Centre institutes a procedure for appointment of an *ex officio* special guardian. According to the Law on the Family, the special guardian performs the relevant duties for as long as the juvenile has this status.

79. During the juvenile's stay at the Reception Centre, he/she is provided with legal, social, medical and psychological assistance (Article 112 of the Law on Foreign Nationals – Official Gazette of the Republic of Macedonia No. 35/2006).

80. In case the unaccompanied juvenile placed at the Reception Centre for Foreign Nationals files an asylum application, the Inter-Municipal Social Work Centre receives relevant information in this respect from the Ministry of Labour and Social Policy along with a request that the juvenile is placed in another institution (Public institution for accommodation of asylum seekers – Reception Centre for Asylum Seekers – Skopje), following which the relevant service at the Inter-Municipal Social Work Centre will *ex officio* appoint a special guardian in line with the new status that the unaccompanied juvenile has acquired following the filing of the asylum application. Depending on the age, the unaccompanied juvenile may be placed in the special department for unaccompanied juveniles at the Reception Centre for Asylum Seekers.

81. In the last period, this type of accommodation of unaccompanied juvenile asylum seekers was used considering that it was a matter of persons of more than 16 years of age (older juveniles). If it is a matter of unaccompanied juvenile bellow the age of 16 (cases that relevant bodies have not encountered in the practice thus far), in line with the principle of the child's best interest, the juvenile may be placed in another public institution specialized for the type of care appropriate to the age of the juvenile.

82. According to processed data about unaccompanied juvenile asylum seekers in the period from April 2012 to March 2013, the number of such juveniles was 47.

83. According to the country of origin, 29 juveniles were from Afghanistan, 9 juveniles were from Pakistan, 4 juveniles were from Algeria, 2 juveniles from Somalia, 1 juvenile from Sierra Leone, 1 juvenile from Palestine and 1 juvenile from Gambia.

84. Article 44 of the Law on Juvenile Justice (Official Gazette of the Republic of Macedonia No. 87/07, dated 12 July 2007) regulates the issue and conditions under which a juvenile may be ordered pre-trial detention or a prison sentence. The sentence of juvenile prison may be ordered to a criminally liable older juvenile who has committed a crime for which a prison sentence of 5 years or more has been prescribed, if the crime has been committed under especially aggravating circumstances and high degree of criminal liability of the perpetrator and in the given circumstances it would not be justified to subject the juvenile to an educational – correctional measure. The sentence of juvenile prison may not be shorter than 1 year or longer than 10 years.

85. Article 109 regulates the issue of detention of juveniles. According to this Article a juvenile may be placed in police custody by authorized officers of the Ministry of the Interior only if the juvenile is found in the perpetration of a serious crime or when the juvenile is wanted under a warrant, or when the juvenile is found perpetrating an offence when there is a threat that the juvenile will repeat the offence or complete the offence or when the juvenile is found while perpetrating other types of crime, when the situation requires undertaking measures for the juvenile's protection or when the identity of the juvenile may not be established. In this context, it should be underlined that according to this Law, while in police custody, the minor may not be interviewed without the presence of a defence counsel, and without any delay and within 12 hours at the most, the juvenile must be brought before a juvenile justice judge, who will determine whether the minor will be detained or released.

86. As illegal migration on the territory of the Republic of Macedonia intensifies, the number of detected unaccompanied juveniles accordingly increases. Most often, they come from Afghanistan, Albania, Somalia, Pakistan, etc.

87. Thus, activities of the Sector for Border Affairs and Migration planned for 2013 include continual monitoring of the treatment of juvenile illegal migrants in line with the national legislation, while respecting the principle of the child's best interest. These activities also involve continual education of the representatives of the border police at the local level, about appropriate activities to be undertaken as of the moment of detection and identification of juveniles, then during pursuance of other relevant procedures, as well as during their placement at the Reception Centre for Foreign Nationals, in which respect the provisions of the Law on Foreign Nationals are to be especially taken into consideration and applied, as well as provisions of the Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention for the Protection of Human Rights and Fundamental Freedoms, and the Council Directive 2005/85/EC.

Article 5

88. As regards the application of criminal legislation, the Criminal Code of the Republic of Macedonia adopts the territorial principle (Article 116), the protective principle (Article 117), the principle of active (Article 118) and passive personality jurisdiction (Article 119) and the universal application principle (Article 119, paragraph 2).

89. The protective principle is contained in Article 117, which regulates the application of criminal legislation to certain crimes perpetrated abroad. This provision envisages that the Macedonian criminal legislation is applied to the concerned crimes perpetrated abroad regardless of the fact whether the crime is sanctioned under the legislation of the country where the crime has been committed and whether the perpetrator has been tried abroad. This means that the principle of double jeopardy- *non bis in idem* does not apply.

90. Articles 118 and 199 contain the principle of active and passive personality jurisdiction.

91. Thus, Article 118 regulates the application of criminal legislation to a national of the Republic of Macedonia who has committed a crime abroad. Namely, this provision contains the principle of active (national) personality, according to which "The criminal legislation is also applicable to a citizen of the Republic of Macedonia when he commits some crime abroad, except for the crimes listed in Article 117, if he/she finds himself/herself on the territory of the Republic of Macedonia or is extradited."

92. Article 119 envisages the application of the criminal legislation to a foreign national who has committed a crime abroad. Thus, paragraph 1 of this Article contains the principle of passive personality jurisdiction, according to which the Macedonian criminal legislation is applied to a foreign national who has committed a crime outside the territory of the Republic of Macedonia against the Republic of Macedonia or against a national of the Republic of Macedonia, also when this does not concern crimes listed in Article 117, if he/she finds himself/herself on the territory of the Republic of Macedonia or is extradited.

93. Paragraph 2 of this Article contains the principle of universal jurisdiction: "The criminal legislation is also applicable to a foreign national who commits a crime abroad, against a foreign country or a foreign national, who according to that legislation may be sentenced to five years of imprisonment or to a more severe punishment, when he/she finds himself/herself in the territory of the Republic of Macedonia, and when he/she is not extradited to the foreign country. If not otherwise determined by this Code, in such a case the court may not pronounce a punishment more severe than the punishment that is prescribed by the law of the country in which the crime has been committed."

94. Article 120 defines the scope of application of the principle of double jeopardy, i.e. of the *non bis in idem* principle.

95. As regards the territorial principle, the prohibition under the *non bis in idem* principle is envisaged in relative terms: upon the approval of the Public Prosecutor of the Republic of Macedonia prosecution may be instituted in the Republic of Macedonia also in the cases in which the criminal procedure against the perpetrator has been instituted or completed abroad (Article 119, paragraph 1).

96. Paragraph 2 of Article 119 consistently applies the prohibition that the person be tried again for the same crime:

> "In cases referred to in Articles 118 and 119, no prosecution shall be instituted if:
>
> 1) The offender has served out the punishment to which he was sentenced abroad;
>
> 2) A security measure involving imprisonment has been applied with regard to the perpetrator abroad;
>
> 3) The offender has been acquitted abroad with a sentence that has come into effect, or his/her punishment has become null and void or he/she was pardoned; and
>
> 4) According to the foreign law, a crime is prosecuted upon request from the damaged party and no such request has been submitted."

97. The principle of double jeopardy is defined in relative terms in the case of active and passive personality jurisdiction and in the case of the universal application principle. Thus, paragraph 3 of this Article envisages that: "In cases referred to in Articles 118 and 119, prosecution shall be instituted only when the crime is punishable according to the law of the country in which the crime has been committed. When in cases referred to in Article 118 and Article 119, paragraph 1, there is no punishment for that crime according to the law of the country in which the crime has been committed, prosecution may be instituted only after approval from the Public Prosecutor of the Republic of Macedonia."

98. Only after approval from the Public Prosecutor of the Republic of Macedonia may prosecution be instituted in the Republic of Macedonia in cases referred to in Article 119, paragraph 2, regardless of the law of the country in which the crime has been committed, if this concerns a crime which, at the time it has been perpetrated, has been considered to be a crime according to the general legal principles, recognized by the international community (Article 119, paragraph 4).

Articles 6, 7, 8 and 9

99. Upon concluding the bilateral agreement with the USA on exemption of US citizens from the jurisdiction of the International Criminal Court, the Republic of Macedonia took into consideration the EU guidelines of September 2002. The Agreement has been concluded on non-reciprocal basis, i.e. it applies only to US citizens and does not affect the obligations the Republic of Macedonia has assumed upon ratification of the Rome Statute. The Agreement does not exclude the possibility that eventual perpetrators of crimes are tried in Macedonia or that they be extradited to the USA for further proceedings, In line with the EU guidelines, the Agreement envisages a possibility for the termination of the Agreement, upon request of either of the signatories.

100. The Republic of Macedonia has been cooperating with the International Criminal Tribunal for the Former Yugoslavia, as of its establishment. The Law on Cooperation between the Republic of Macedonia and the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 was adopted in 2007. This Law sets forth the obligations, conditions and the type of cooperation between the Republic of

Macedonia and the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (The Hague Tribunal), established under the UN Security Council resolution No. 827.

Article 10

101. The Training Centre is directly competent to implement trainings, including basic training for police officers. This training is continually evaluated and updated in order to respond to established developments in the fight against crime. Under such training, future police officers receive education about: the Constitution and political system of the Republic of Macedonia; then about human rights as guaranteed in European and universal human rights documents; as well as about domestic legislation; code of conduct; dealing with differences; conduct relevant for anti-discrimination activities; duties and tasks of the police; police authorities; use of means of coercion; principles of police work; inter-personal relations among police officers; juvenile perpetrators of crime; provisions of the Criminal Code of the Republic of Macedonia, the Law on Criminal Procedure, EU Acquis, the Law on Asylum and Temporary Protection; interviewing victims, witnesses, juveniles, etc. The Standard Operative Procedures for police custody and treatment of persons under police custody were adopted in 2008. The Standard Operative Procedures contain provisions relating to: the legal framework for exercise of police authorities for arrest and taking into police custody, and treatment of persons in police custody. Copies of the Standard Operative Procedures were distributed to all police stations and police sectors in the Republic of Macedonia. Senior managerial police officers at police stations were given the task of organizing trainings in order that the entire uniformed police staff be introduced to and educated about the Standard Operative Procedures. Senior managerial police officers submitted reports about organized trainings. A Handbook about Standard Operative Procedures was published in 2008 (by the Ministry of the Interior and the European Agency for Reconstruction), which covers the issue of police authorities the exercise of which limits the freedom of movement of persons (arrest, police custody) and the issue of use of means of coercion. Training for reception police officers and for on-duty police officers was organized in 2009. There was also two-day training on the topic of respect for human rights of persons deprived of their freedom, organized by the NGO "Coalition -- All for Fair Trials".

102. Psychiatric institutions in the Republic of Macedonia now conduct their internal programs for training of the executive medical staff about treatment of and conduct with patients. There are no programs or modules on recognizing signs of torture and inhuman treatment intended for doctors. The Ministry of Health and responsible staff at psychiatric institutions are prepared to start designing and implementing such modules/programs, being as well prepared to implement the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, known as the Istanbul Protocol.

103. In addition to regular training, which is continually evaluated and updated, in September 2012, there was an independent external control of the quality of the curriculum and basic training for police officers. The control was conducted by the OSCE, in cooperation with Dutch education experts, as a follow-up activity to the Twinning project on basic training.

104. The Training Centre is directly competent to organize trainings at the Ministry of the Interior. Trainings on support to the gender sensitive approach and treatment of persons arrested, in pre-trial detention, or imprisoned and trainings of the staff about use of force and firearms are implemented in cooperation with the OSCE Mission in Skopje, and in cooperation with UNICEF.

105. In the period from 2008 to June 2013, trainings and other type of professional advancement events were organized, elaborating the reasons, consequences and cases of trafficking in human beings and other types of exploitation. The trainings were attended by professional staff of the border police and migration officers, covering 1,716 participants working at the Sector for Border Affairs and Migration, as well as (about 60) officers at the Unit for Combating Trafficking in Human Beings and Migrant Smuggling (annex II).

Article 11

106. With a view to improving the conditions in detention facilities, under the 2006 CARDS Program funds were provided for reconstruction of police stations: Police Station Tetovo and Police Station Kisela Voda. These two police stations were completely renovated. Under the 2007 IPA Program funds were provided for reconstruction of 8 police stations (Police Stations Centar, Karpos, Bit Pazar, Gazi Baba, Gostivar, Prilep, Stip and Gevgelija). Reconstruction activities were completed and covered the detention facilities, offices of reception police officers, i.e. rooms for reception and interviews with persons in police custody.

107. Furthermore, a Rulebook on general norms and standards for detention facilities in police stations of general competence at Sectors for Internal Affairs was adopted (No. 121-9521/1, dated 13 February 2012). The Rulebook regulates issues of access to detention facilities through a separate entrance in the building, location of detention facilities (in the basement, or ground floor level), the size of the room, lighting, ventilation, heating, equipment, video surveillance, device for communication with persons in police custody, etc.).

108. The Ministry of the Interior undertakes intensive activities to strengthen the capacities for building a positive approach by the police towards all citizens regardless of their gender, race, colour of skin, national or social origin, political and religious conviction, property or social status.

109. The Project – Quality Police Services for the Roma – was implemented in 2007/2008, under which 200 police officers were introduced to the culture and history of the Roma and attended training about social justice with a view to building a positive approach to overcoming stereotypes and prejudices in the conduct with the Roma. Issues such as the police in a democratic society, awareness about differences, and gender differences have been elaborated as part of the continual training of police officers.

110. In 2009, Prevention Units at Sectors for Internal Affairs in the cities of Bitola, Stip and Skopje implemented the project called: Improvement of partnership and mutual trust between the community and the police in Roma populated areas in the Municipalities of Bitola, Kocani and Suto Orizari, supported by the OSCE Department for Police Development. The goal of the Project was to improve the trust between the police and citizens in these municipalities.

111. In 2009, fliers were published (in the Macedonian, Albanian, Roma, Turkish and English languages) and widely distributed to citizens, containing information about the main tasks of the police, duties of police officers towards citizens when exercising police authorities, and information for citizens on what measures they can undertake when they consider that they were offended or threatened by a certain type of conduct of police officers. These activities were in fact aimed at increasing the awareness of citizens about the role, competences and responsibilities of the police.

112. In 2013, the OSCE Mission in Skopje provided the translation of the Handbook entitled "The Police and the Roma and Sinti – good practices in building the trust and understanding". The Handbook was also distributed to the Training Centre and to all Sectors of Internal Affairs.

113. There is an on-going project entitled "Reconstruction of prisons in the Republic of Macedonia" aimed at improving the material conditions for stay of inmates and at resolving the issue of over-crowded prisons. The value of the Project is EURO 52,000,000, of which EURO 46,000,000 was provided as a credit from the Council of Europe Development Bank and EURO 6,000,000 was provided by the Government of the Republic of Macedonia. Under this Project, a total usable area of 63,000 m^2 will be reconstructed or refurbished.

114. The Project envisages reconstruction, refurbishment and construction of new facilities in four prisons: Prison Idrizovo, Prison Tetovo, Prison Skopje and Prison Kumanovo.

115. Construction activities at the Kumanovo Prison started on 28 May 2011. Facilities of a total area of 3,000 m^2 for 250 inmates will be constructed. The construction of this Prison is in the final stages. The issue of over-crowded prisons will be alleviated also with the establishment of a separate Probation Service at the Administration for Execution of Sanctions. The Strategy for establishment of the Probation Service was prepared and in April 2013, it was submitted to the Government for endorsement. The IPA 2010 Project for drafting of the Law on Probation and for other activities for the establishment of the Probation Service will start in 2014. 10 April 2013, inclusive, the total number of persons in pre-trial detention was 390.

116. As regards the issue of training of prison staff, the Administration for Execution of Sanctions continually undertakes activities for strengthening the administrative capacities of prisons and of educational and correctional institutions, as follows:

117. The Program for initial and continual training and examination of the knowledge and skills of staff at prisons and at educational and correctional institutions was adopted in December 2010. This is one of the essential documents for strengthening the capacities of staff at prisons and at educational and correctional institutions. In 2011, the knowledge of staff working in prisons was examined and evaluated. Based on the test results and their analysis, an Action Plan was prepared for implementation of continual training of the staff at prisons and at educational and correctional institutions. At the end of 2011 and in 2012 there were several trainings organized, mostly for the managerial staff and for prison staff working at the resettlement and security departments at prisons.

118. Furthermore, there have been several projects implemented of importance for the advancement of the capacities in prisons, such as: the MATRA Project and the MATRA ENAP Project implemented in cooperation with the Government of the Kingdom of the Netherlands; then several projects for training of prison staff, supported by the UK Embassy to the Republic of Macedonia; then TAIEX missions, etc.

119. The Administration for Execution of Sanctions deals with challenges relating to advancing the resettlement of inmates in line with the adopted (2010-2012) Strategy for resettlement and social adaptation of inmates, which defines the goals and activities to be undertaken for the improvement and advancement of the prison system in the Republic of Macedonia in terms of treatment of inmates. In this context, new documents, adopted by the end of 2011, are applied: Rulebook for designation, classification and assigning inmates to wards in prisons; Rulebook on the manner of use of benefits by inmates; Instructions for use of conference meetings; Instructions for participation of the security sector in the resettlement process; Application of the risk assessment instrument for inmates and application of uniform House Rules for all prisons, and other documents.

120. As regards the issue of establishment of a network of institutions in line with the Law on Execution of Sanctions, in addition to the Kumanovo Prison, the construction of which is in the final stage, and which should be officially opened in the course of 2013, all other prisons and educational and correctional institutions in the Republic of Macedonia have been established in line with the applicable legislation.

121. Serving as the mechanism controlling the lawful and professional work of the police and the respect for human rights and freedoms, the Sector for Internal Control and Professional Standards (the Sector), at the Ministry of the Interior, continually undertakes measures for monitoring the human rights and freedoms situation. In the course of controls at police stations of general competence, which are frequent and are unannounced, in addition to other issues, the Sector controls and inspects records kept at police stations and the procedure followed with respect to persons summoned to the police station, arrested and persons in police custody.

122. Detention facilities on the entire territory of the Republic of Macedonia were inspected in July 2011 and in the second half of March 2012. The purpose of the controls was to establish the situation of respect for and protection of rights and freedoms of persons deprived of freedom and to establish the conditions in detention facilities. In this context the following was inspected: the Register of persons summoned, arrested and taken into police custody; the daily log of events containing information pertaining to persons summoned, arrested or in police custody; whether the treatment of persons summoned, arrested or taken into police custody complies with the Standard Operative Procedures; cells where these persons stay. Following the inspections, it was established that records are kept in line with the Standard Operative Procedures for persons summoned, arrested or taken into police custody.

123. After inspections of certain police stations of general competence, it was established that most detention facilities do not satisfy the conditions set forth under international standards and under the Rulebook on general norms and standards for detention facilities at police stations of general competence at Sectors for Internal Affairs, within the Bureau for Public Security. In most cases, such a situation is owed to the lack of funds for reconstruction, then lack of equipment for detention facilities, damp cells, lack of natural light, etc.

124. As part of its regular controls, the Sector for Police and Criminalistics at the Bureau for Public Security examines the professional aspects of the work of police stations, following a previously designed plan for professional supervision at police stations of general competence. During these professional supervision controls, the following issues are obligatorily examined: treatment of persons whose freedom of movement is limited; keeping records about persons summoned, arrested or in police custody; the maintenance of the hygiene and conditions at detention facilities. Instructions and deadlines are given for the elimination of all established deficiencies. These activities of the Sector for Police and Criminalistics are aimed at providing continual professional support to the standardization of the treatment of persons whose freedom of movement is limited and at attaining consistency in applying legislative provisions. In 2009, posters containing information about rights of citizens were placed visibly in all police stations and fliers were distributed to be used by reception officers containing advice on rights of citizens. In 2012, the fliers were again published and distributed to all police stations. The fliers were published in the Macedonian, Albanian, English, German, Roma, Turkish and in the Russian languages.

Articles 12 and 13

125. In 2012, a total number of 88 applications were filed, 12 of which against torture or ill-treatment. The Administration for Execution of Sanctions timely undertook activities with respect to all applications filed by inmates and in most cases in which this was considered necessary, there were inspections conducted to establish the facts of the case. In 2011, a total number of 51 applications were filed with the Administration for Execution of Sanctions and in 2010, 98 applications were filed. Most of the applications filed in 2010, 2011 and in 2012 were related to the treatment of inmates, use of benefits and health care provided at prisons.

126. In 2012, a total number of 47 disciplinary proceedings were instituted against staff at prisons. 48 employees were subject to disciplinary sanctions. The situation in 2011 was similar, i.e. in 2011, 50 disciplinary proceedings were instituted and 62 employees at prisons and at educational and correctional institutions were subject to disciplinary sanctions.

127. In 2009, there was an investigation into allegations concerning beating of several inmates by the staff at the Skopje Prison. In respect of this case, the Skopje Basic Public Prosecutor's Office renounced criminal prosecution of the involved persons in light of the fact that it was not a matter of a crime, which is ex officio prosecuted. Hence, the investigation against the employees of the Skopje Prison was stopped.

128. In June 2011, ill-treatment of one inmate at the Tetovo Prison was established. The Ombudsman filed criminal charges against several prison security officers. The investigation was stopped by the investigative judge, who established that no crime was committed.

129. Furthermore, in March 2013, one employee of the Security Sector at the Idrizovo Prison was suspended from work due to excessive use of force and relevant disciplinary proceedings were immediately instituted. In addition, criminal charges were filed and the investigative judge ordered the employee to serve house arrest.

130. In pursuance with the Rulebook on the organization and work of the Bureau for Public Security and the Document on the systematization of jobs at the Ministry of the Interior, at the beginning of 2011, the Special mobile unit for fighting crime was renamed the Unit for fighting crime, which, in organizational terms, functions as part of the Skopje Sector for Internal Affairs. Accordingly, this Unit operates only within the city of Skopje. The Unit for fighting crime performs its tasks according to previously adopted plans for work, which encompass: police patrols countering crime, then detecting and arresting perpetrators of crimes, minor offences and perpetrators of other unlawful acts. This Unit harmonizes its activities with the Commissariat for General Security, the Commissariat for Criminalistics, the Commissariat for Police Stations of General Competence, while coordinating police patrols working in the field.

131. As other police officers, in the performance of their tasks and duties, officers working in this Unit are obliged to abide by the Rulebook on the manner of performance of police duties, the Police Code of Ethics, the Rulebook on interpersonal relations; and other rules and regulations on police work. Officers of this Unit are not exempted on any grounds from responsibility for their actions in the performance of official duties.

132. In August 2011, and then in February and March 2012, in accordance with planned preventive activities relating to respect for human rights and freedoms, relevant representatives of the Sector for Internal Control and Professional Standards visited and had meetings with managerial officers of the Unit for Fighting Crime, at the Skopje Sector for Internal Affairs. At these meetings, representatives of the Sector underlined that in the exercise of police authorities it was of the outmost importance to respect human rights and freedoms, as well as the Law on Internal Affairs, the Law on the Police, secondary legislation and internal regulations of the Ministry of the Interior. Furthermore, managerial officers at the Unit for Fighting Crime were given the task of organizing informative meetings in this respect for the entire police staff of this Unit.

133. In 2009, 2010 and in 2012, on four occasions, there were trainings organized for police officers of the Unit for Fighting Crime about the issue of respect for human rights in exercising police authorities. Representatives of the Sector for Internal Control and Professional Standards, of the Ombudsman's Office and of NGOs took part in these trainings, as well.

Applications settled against officers of the Special Mobile Unit for Fighting Crime

	Total number of cases	*Applications against use of physical force*	*Applications against unprofessional and inappropriate conduct*	*Founded applications*
2008	26	15	11	4
2009	38	26	12	2
2010	29	18	10	1
2011	29	15	14	3
2012	22	6	16	2

Source: Ministry of the Interior.

Filed criminal charges and measures proposed against officers of the Special Mobile Unit for Fighting Crime

	Filed criminal charges/Special reports	*Proposals for disciplinary proceedings*	*Proposals for a written warning*	*Proposals for transfer to another job*	*Material responsibility*
2008	/	/	4	4	1
2009	2 special reports	4	/	/	/
2010	5 special reports	1	10	3	/
2011	7 Special reports	2	5	/	/
2012	2 Special reports	6	/	/	/

Source: Ministry of the Interior.

134. In **2008,** the Sector for Internal Control and Professional Standards at the Ministry of the Interior undertook activities with respect to 64 complaints filed by citizens alleging that police officers had used physical force against them. After relevant measures had been undertaken, in four cases it was established that in the exercise of police authorities, police officers had used physical force without any justification, while in 24 cases due to lack of evidence the allegations for use of physical force could not be verified. In the remaining cases, it was established that police officers had not used physical force or that the physical force and means of coercion were justified and correctly used. Of the 4 cases in which it was established that physical force had been used without any justification, in 2 cases criminal charges were filed, while in all 4 cases disciplinary proceedings were instituted against the police officers.

135. In **2009**, the Sector for Internal Control and Professional Standards undertook activities with respect to 79 complaints filed by citizens alleging that police officers had used physical force against them. After relevant measures had been undertaken, in 6 cases it was established that in the exercise of police authorities, police officers had used physical force without any justification, while in 36 cases due to lack of evidence the allegations for use of physical force could not be verified. In the remaining cases, it was established that police officers had not used physical force or that the physical force and means of coercion were justified and correctly used. Of the 6 cases in which it was established that physical force had been used without any justification, in 2 cases criminal charges and 3 special reports were filed with the Basic Public Prosecutor's Office for the Prosecutor's informing and for purposes of undertaking further procedures, and disciplinary proceedings were instituted against police officers who had used physical force without any justification.

136. In **2010,** the Sector for Internal Control and Professional Standards undertook activities with respect to 64 complaints filed by citizens alleging that police officers had used physical force against them. After relevant measures had been undertaken, in 5 cases it was established that in the exercise of police authorities, police officers had used physical force without any justification, while in 20 cases due to lack of evidence the allegation for use of physical force could not be verified and in 1 case, the allegations were partially confirmed. In the remaining cases, it was established that police officers had not used physical force or that the physical force and means of coercion were justified and correctly used. Of the 5 cases in which it was established that physical force had been used without any justification, in 1 case criminal charges were filed, then in 1 case a special report was filed with the Basic Public Prosecutor's Office for purposes of the Prosecutor's informing and undertaking further activities, and disciplinary proceedings were instituted against police officers who had used physical force without any justification.

137. In **2011**, the Sector for Internal Control and Professional Standards undertook activities with respect to 63 complaints filed by citizens alleging that police officers had used physical force against them. After relevant measures had been undertaken, in 8 cases it was established that in the exercise of police authorities, police officers had used physical force without any justification, while in 11 cases due to lack of evidence allegations for use of physical force could not be verified. In the remaining 44 cases, it was established that police officers had not used physical force or that the physical force and means of coercion were justified and correctly used. Of the 8 cases in which it was established that physical force was used without any justification, in 5 cases the Sector filed special reports with the Basic Public Prosecutor's Office for purposes of the Prosecutor's informing and undertaking further proceedings; then police officers that had used physical force without any justification were subject to the obligatory measure of undertaking proceedings for the establishment of responsibility for violation of the order and working discipline with the competent Commission for establishment of disciplinary responsibility (except in 1 case in which a special report was filed and no disciplinary measures were ordered due to statute of limitations); in the other 2 cases only the obligatory measure was pronounced of undertaking a procedure for the establishment of disciplinary responsibility; and in the third case the measure of warning was pronounced. It is underlined that in the analyzed period and in cases in which there was no evidence corroborating the use of physical force, i.e. in which the statements were not clear or were contradictory, the Sector for Internal Control and Professional Standards filed special reports with the relevant Public Prosecutor's Offices for purposes of their informing and undertaking further proceedings.

138. In **2012,** the Sector for Internal Control and Professional Standards undertook activities with respect of 73 complaints filed by citizens alleging that police officers had used physical force against them (70 complaints filed by citizens and 3 complaints following information submitted by organizational units of the Ministry of the Interior). After relevant measures had been undertaken, it was established that allegations in 46 cases were not founded, i.e. that the police officers had not used physical force or had used physical force and means of coercion with justification and correctly. In 23 cases, due to lack of evidence, the allegations for use of physical force could not be verified. In 4 cases, the allegations were verified and it was established that in the exercise of police authorities, police officers had used physical force without any justification. In respect of the 4 cases in which it was established that physical force had been used without justification, the Sector for Internal Control and Professional Standards pronounced the obligatory measure of undertaking a procedure for the establishment of responsibility for violation of the working order and discipline of police officers who had used physical force without justification by the relevant Commission for establishment of disciplinary responsibility and in 1 case in addition to this measure, a special report was filed with the relevant Basic Public Prosecutor's Office for purposes of the Prosecutor's informing and undertaking further

proceedings. It is underlined that in the analyzed period, in cases in which there was no evidence corroborating the use of physical force, i.e. in which statements were unclear or contradictory, the Sector for Internal Control and Professional Standards filed special reports with the relevant Public Prosecutor's Offices for purposes of their informing and undertaking further proceedings (in 8 cases in which citizens suffered bodily harm).

139. In all cases in which the Sector has received any information about ill-treatment of or discrimination against citizens perpetrated by police officers, the Sector checks all such information without any exceptions and examines all allegations contained in the complaints, in an exceptionally professional manner, without any selectiveness, equally treating all citizens. Following the checks and examinations, replies are submitted in good time to the concerned persons.

Proceedings against police officers for use of physical force

	Total number of applications	*Founded*	*Unfounded*	*No evidence*	*Partially founded*	*Adopted measures*
2008	64	4	36	24	/	In 2 cases criminal charges filed for the crime of ill-treatment in the performance of official duties • Disciplinary proceedings in 2 cases
2009	79	6	37	36	/	Criminal charges filed in 1 case for the crime of "grievous bodily harm" and disciplinary proceedings • Skopje Internal Affairs Sector filed criminal charges in 1 case for the crime of "violence" and instituted disciplinary proceedings Special reports filed in 3 cases • Only disciplinary proceedings in 1 case
2010	64	5	38	20	1	In 1 case criminal charges filed for the crime of attack against authorized official person and suspension from work (dismissal from work) • In 1 case special report and disciplinary proceedings • In 1 case minor offence proceedings instituted by another organizational unit of the Ministry of the Interior and disciplinary proceedings • Only disciplinary proceedings in 2 cases
2011	63	8	44	11	/	In 5 cases special reports and disciplinary proceedings • Only disciplinary proceedings in 2 cases • In 1 case only warning
2012	73	4	46	23	/	Only disciplinary proceedings in 3 cases • In 1 case special report and disciplinary proceedings

Source: Ministry of the Interior.

Measures undertaken with respect to possible acts of torture and inhuman, degrading treatment or punishment

	Police Procedure		*Prisons*	
	Criminal charges	*Disciplinary proceedings*	*Criminal charges*	*Disciplinary proceedings*
2008	4	1		1
2009	2		1	1

	Police Procedure	*Prisons*	
2010		1	1
2011	1	1	1
2012	1		1

Source: Ombudsman's Office.

140. The applicable Law on the Execution of Sanctions implements all international standards, which are consistently implemented by all prisons. In 2008, an expert from the Nottingham University assessed the Law on the Execution of Sanctions and established that the Law satisfied European standards and was in line with the European Prison Rules and in line with the 1957 Standard Minimum Rules for the Treatment of Prisoners.

141. The 1988 Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and the 1990 Basic Principles on the Use of Force and Firearms by Law Enforcement Officials were taken into consideration in drafting the provisions of the Law on the Police (*Official Gazette of the Republic of Macedonia* No. 114/06, 06/09, 145/12) relating to the use of means of coercion and firearms.

142. The Law on the Police was drafted in line with international instruments guaranteeing basic human rights and freedoms. Furthermore, obligations the Republic of Macedonia has as a Council of Europe member state for implementation of recommendations and guidelines contained in the European Code of Police Ethics and the Police Officer European Charter were also taken into consideration in drafting the Law, especially in light of Recommendation (2001)10 of the Council of Europe Committee of Ministers for achieving greater unity between member states of the Council of Europe, by incorporating the principles set out in the text of the European Code of Police Ethics in their internal legislation, practice and codes of conduct of the police of member states.

143. With a view to overcoming detected deficiencies in the provisions of health care to inmates, it is envisaged to undertake activities in line with the 2012-2014 Strategy for Health Care at Prisons and Educational and Correctional Institutions, which the Government of the Republic of Macedonia adopted in December 2012.

144. Twelve Instructions entered into force in February 2013: Instructions for a medical examination upon reception of inmates at prisons; Instructions for a medical examination upon release of inmates from prisons; Instructions for access to a doctor by inmates in prisons and for distribution of medicines (examinations at and outside prisons); Instructions for medical examination and monitoring during the execution of the disciplinary sanction of solitary confinement; Instructions for duties and code of ethics of medical staff at Health Care Sectors; Instructions for inter-ministerial cooperation in providing health care to inmates and juveniles; Instructions for keeping records of signs of violence on inmates and persons in pre-trial detention; Instructions for control of the hygiene and alimentation at prisons; Instructions for medical examination of persons in pre-trial detention; Instructions for medical examination upon release of persons in pre-trial detention; Instructions for the minimum technical standards at health care units in prisons; Instructions for the procedure for medical examinations in case of use of means of coercion. Furthermore, in line with the Strategy, trainings and education is envisaged on topics of specific relevance for the medical staff. As regards inmates-drug users, a program for psychosocial treatment of this type of inmates is in the final stages of preparation.

Article 14

145. The right to redress envisaged in Article 14 of the Convention is guaranteed under the Law on Criminal Procedure (*Official Gazette of the Republic of Macedonia* No. 15/97,

44/2002, 74/2004, 83/2008, 67/2009 and 51/2011). Thus, Article 139, paragraph 5 defines the concept of an aggrieved party: "A damaged party is every person who is a victim of a criminal offence, who has suffered any damage, including physical or mental injuries, emotional suffering, material loss or other violation or endangerment of the person's fundamental rights and freedoms, as a consequence of the crime committed."

146. Rights of the aggrieved party are regulated under Articles 48 to 62 of this Law. This Law also guarantees the right of the aggrieved party to claim property damage compensation. Thus, Article 96 envisages that: A legal property request due to a crime will be raised on proposal of authorised persons in the criminal procedure if the procedure would not be further delayed with it. A legal property request may refer to damage compensation, returning objects or annulling certain legal actions.

147. Articles 53 to 56 of the new Law on Criminal Procedure adopted in 2010 envisage important novelties in regulating rights of the victims, as well as special rights of vulnerable categories of victims of crimes against sexual freedom and sexual morality, humanity and international law.

148. There are no special programs for rehabilitation of victims of torture.

Article 15

149. Article 15 of the Law on Criminal Procedure contains the principle of free assessment of evidence:

> (1) The right of the court and state bodies which participate in the criminal procedure to evaluate existence or non-existence of facts is not bound nor limited by any special formal rules of evidence.
>
> (2) Evidence illegally obtained or obtained by violation of freedoms and rights established by the Constitution, law and ratified international treaties, as well as evidence derived from them cannot be used and a court decision cannot be based on them.

150. This principle is further elaborated in other provisions of this Law relating to the examination of the person charged.

151. Thus, paragraph 6 of Article 230 of this Law sets forth that the examination must be conducted in a manner that the personality of the person charged is fully respected.

152. Paragraph 7 of the same Article envisages that: "Force, threats or other similar means (Article 273, paragraph 2) must not be used against the person charged in order to extort his/her statement or confession."

153. In case of violation of provisions of paragraph 7 of this Article, the statement of the person charged may not be used as basis for the court's decision (Article 230, paragraph 9).

Article 16

154. The Commission for Protection against Discrimination received 16 applications in total on grounds of ethnic affiliation, i.e. on grounds of belonging to the Roma community. The Commission completed the procedure in 8 cases. In 1 of the 8 cases, discrimination was established and the case was closed with an amicable settlement. In addition to undertaking relevant activities and procedures following filed applications, the Commission also reacts by issuing press releases, then by organizing meetings, workshops, awareness campaigns, etc.

155. The project "Best practices for Roma integration" was implemented in cooperation with the OSCE Office for Democratic Institutions and Human Rights (ODIHR).

Furthermore, the Commission employs one Roma person. Under this Project and in cooperation with Roma NGOs, informative workshops were organized aimed at informing participants about the Commission for the Protection against Discrimination, its work and to inform the Roma community at large about the procedure for filing an application and receiving a reply, and about the Law on the Prevention of and Protection against Discrimination. The purpose of these workshops is to increase the awareness of the Roma about the existence and work of bodies fighting discrimination and to encourage citizens to file applications, which on its part will have an impact on the number of registered cases of discrimination, their processing, while increasing the awareness of citizens and reducing discrimination.

156. In all cases in which the Sector for Internal Control and Professional Standards at the Ministry of the Interior has received any information about ill-treatment by police officers, or about violation of citizens' rights or freedoms owing to actions undertaken by police officers, without any exceptions, the Sector undertakes relevant activities and examines all allegations in the complaints, without any selectiveness, equally treating all citizens regardless of their ethnic, religious, gender or any other affiliation. Following the checks and examinations, replies are submitted in good time to concerned persons.

157. In the last years, the Sector for Internal Control and Professional Standards has received a very small number of complaints by citizens alleging ill-treatment by the police because of the fact that they belong to the Roma community. In cases of such complaints, following relevant measures undertaken by the Sector, it has been established that the allegations are unfounded. Based on the hitherto practice, in the reporting period there have been no characteristic cases registered of ill-treatment or discrimination against the Roma by the police in the exercise of police authorities.

158. The Sector for Internal Control and Professional Standards cooperates with NGOs, including Roma NGOs. Representatives of Roma NGOs also took part in trainings about respect for human rights and freedoms, which the Sector organized in 2009, 2010 and in 2012, for police officers who are most often in contact with citizens in exercising police authorities.

159. The Ministry of the Interior has been actively involved in information campaigns sending out the message that discrimination and violence will not be tolerated. In this context, the Ministry has supported projects and campaigns organized by other ministries and NGOs. More detailed information can be found under Article 11.

160. The legislation of the Republic of Macedonia prohibits corporal punishment of children. Thus, Article 9 of the Law on Protection of Children prohibits psychological and physical ill-treatment, punishment or other inhuman treatment or abuse of children. Furthermore, Chapter XV of this Law contains misdemeanour provisions. Corporal punishment of children amounts to domestic violence, according to the Law on the Family and to a crime according to the Criminal Code. Article 53 of the Law on Primary Education and Article 51 of the Law on Secondary Education prohibit physical and psychological ill-treatment of pupils, i.e. students.

161. Following the transfer of the Tetovo Educational and Correctional Institution from the Skopje Prison to the minimum-security ward at the Veles Section of the Idrizovo Prison, conditions have been created for involving juveniles in educational, cultural, recreational and sport activities. Juveniles have the possibility to acquire computer skills and knowledge, then to play chess, to watch TV, to participate in the arts club. The facility has a fitness room where juveniles can exercise, and there is also a playground for various sports. They can play group sports such as football, basketball, volleyball, etc. In order to ensure effective work of the institution, as of December 2011, 10 Procedures and Protocols are applied, following which the treatment of inmates and the work of prisons in general

have significantly improved. Furthermore, in 2012, Instructions were issued for internal control systems at prisons and educational and correctional institutions in the Republic of Macedonia, which ensures that that the staff in these institutions perform their duties in line with relevant laws and secondary legislation.

162. The Demir Kapija Special Institute, which as a social protection institution accommodates 239 persons having serious and most serious mental retardation, has recruited additional 82 professionals – including 38 nursing staff, 10 medical nurses, 4 physiotherapists and 3 special education experts, by which the total number of employees at this Institute equals 177. The conditions for life are continually improved, the hygiene has been improved; persons accommodated in this Institute spend most of the day in the open facilities. Doors and windows in the Department for nursing, health care and rehabilitation of persons with most serious retardation have been replaced with new ones, which on its part has helped improve the insulation, as well as the heating and air-conditioning of this facility, which accommodates the largest number of immobile beneficiaries.

163. In pursuance with the Plan and Program for work, intensive activities for psychomotor rehabilitation of beneficiaries have started, in which respect efforts are made that through an individualized approach and utilization of existing potentials of beneficiaries the maximum level of their psychophysical abilities is reached, i.e. efforts are made to encourage their independence, speech correction, to improve their mobility and their adopting elementary rules of behaviour. The procedure for review of the legal capacity of beneficiaries of this Institute has started. The procedure is implemented by Social Work Centres, acting upon a previous request by the Ministry of Labour and Social Policy in order to establish the legal grounds for placement and stay of beneficiaries in this social protection institution.

164. As regards measures and activities undertaken to prevent suicides, the staff pays special attention to beneficiaries who are at risk in this regard. Namely, the Institute makes a risk assessment for beneficiaries if there are evident disruptions in their behaviour and if beneficiaries have a previous history of problematic behaviour.

165. In the context of cases in which several beneficiaries lost their lives, it is underlined that the competent court completed the procedure based on a Report from the Forensics Institute. Accordingly, a Decision was adopted that there were not grounds to institute criminal proceedings.

Other issues

166. On 30 December 2008, the Assembly of the Republic of Macedonia ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which then entered into force on 13 February 2009.

167. The Assembly of the Republic of Macedonia ratified the Convention on the Rights of Persons with Disabilities on 5 December 2011, after which a National Coordination Body was established for implementation of the Convention on the Rights of Persons with Disabilities in the Republic of Macedonia, which is chaired by the Minister of Labour and Social Policy. This Body is composed of representatives of the Assembly of the Republic of Macedonia, i.e. from the Inter-party MP group for rights of persons with disabilities and the Committee for Equal Opportunities of Women and Men; then representatives of the Commission for Protection against Discrimination; representatives from in-line ministries and institutions, from the Ombudsman's Office and from the National Council of Organizations of Disabled Persons of Macedonia.

168. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance have still not been ratified.

169. Justice system reforms undertaken in the 2008-2012 period strengthened the independence and increased the efficiency of the judiciary. The 2011 amendments to the Law on Civil Procedure incorporate provisions accelerating proceedings by: shortening the terms, preventing parties from abusing their rights, introducing a case management system in courts, introducing electronic delivery, sound recording of hearings, etc. The new Law on Criminal Procedure adopted in 2010 sets forth tools for successfully countering crime, especially organized crime. The most important segments of this Law are transfer of competences for the investigation from investigative judges to public prosecutors, control of the police by the Public Prosecutor's Office, introducing plea-bargaining, etc.

170. There have been activities to strengthen the independence of the judiciary, which guarantees human rights protection. The key elements in this area are the election, accountability and evaluation of judges. Legislative novelties have been introduced in all these areas by which the legislation of the Republic of Macedonia has been fully harmonized with international standards.

171. In the context of efficiency of the judiciary, the overall backlog of cases has been reduced, by transferring the competences for non-contentious cases (inheritance procedures, payment orders issued on the basis of a valid document, enforceable cases with courts and forced payment of fines in criminal and misdemeanour cases) from courts to Notaries Public and Enforcement Officers, which has resulted in greater efficiency of courts, as well as in overcoming and reducing the backlog of cases.

172. In 2012, courts received 117,848 fewer cases, or 21% less cases compared with the number of cases in 2011. In 2012, courts in the Republic of Macedonia fully overcame the inflow of cases and adopted final decisions in 32,247 more cases, or 7% more cases. The number of pending cases at the end of 2012 was reduced by 33,020 cases or by 15% compared with 2011. In 2012, first instance courts fully overcame the inflow of civil law cases and settled 8,136 more cases, or 27% more cases.

173. Thirty-three Public Relations Offices have been opened in courts of the Republic of Macedonia and PR officers have been designed.

174. Courts continually publish judgments at their websites, which is an important tool in promoting transparency and access to justice.

175. The system of evaluating judges has been fully established. Under this system, the work of judges is qualitatively and quantitatively evaluated. With a view to establishing a uniformed system of court statistics, a Methodology of Judicial Statistics has been adopted, based on the Guidelines on Judicial Statistics (GOJUST), adopted by the European Commission for the Efficiency of Justice (CEPEJ). In addition, a software application has been designed for collection, processing and analysis of statistics.

176. In the period from 2007 to 2010, new justice system institutions were established; these institutions function successfully:

- Judicial Council of the Republic of Macedonia;
- Council of Public Prosecutors of the Republic of Macedonia;
- Academy for Training of Judges and Public Prosecutors;[1]

[1] The Academy for Training of Judges and Public Prosecutors is fully operational as of 2006.

- Administrative Court;
- Higher Administrative Court;
- Gostivar Court of Appeals;
- Gostivar Higher Public Prosecutor's Office;
- Basic Public Prosecutor's Office for prosecution of organized crime and corruption;
- Department for prosecution of organized crime and corruption within the Skopje 1 First Instance Criminal Court;
- Department for processing cases relating to guarantees for trial within a reasonable time, part of the Supreme Court of the Republic of Macedonia; and
- Agency for management of impounded property.

177. In the context of activities for improvement of the judicial infrastructure, 9 buildings of first instance courts with expanded competences in the Republic of Macedonia have been reconstructed.

178. As part of activities for improvement of the justice system information system, the automated computer case management system (ACCMIS) started functioning effectively in the last quarter of 2009.

179. In line with recommendations under the Accession Partnership requiring allocation of appropriate funds for the judiciary, the Judicial Budget will be doubled in the period from 2013 to 2015, with equal annual increase of 0.1%, reaching 0.4% of the GDP in 2012, and reaching 0.8% of the GDP in 2015. This was envisaged in the 2010 Law Amending and Supplementing the Law on the Judicial Budget.

General information about the human rights situation, including about new measures and developments relating to the Convention implementation

180. The Government of the Republic of Macedonia continually works on the prevention of and protection against any type of discrimination and on ensuring equal opportunities and unimpeded respect for human rights and freedoms. The Law on the Prevention of and Protection against Discrimination has been adopted in this context. (*Official Gazette of the Republic of Macedonia* No. 50/2010). In accordance with this Law, a Commission for the Prevention of and Protection against Discrimination has been established.

181. The Assembly of the Republic of Macedonia has established several working bodies, the following being of the greatest relevance in this respect: Standing Survey Committee for the protection of human rights and freedoms (having general competences for human rights issues); Committee for relations among communities (focused on assessment of the application of the double majority principle in adopting laws, then of equitable representation, dealing also with issues of discrimination on grounds of ethnic affiliation), Committee for equal opportunities of women and men (established to promote and monitor gender equality in all fields of social life). The Assembly also has informal bodies: Inter-party MP Group for persons with disabilities and a Women's MP Club.

182. In 2007, the Ministry of Labour and Social Policy established the Sector for Equal Opportunities, which has special competences relating to equality/non-discrimination. The Sector pursues procedures for establishment of unequal treatment of women and men and

The new Law on the Academy for Training of Judges and Public Prosecutors adopted in 2010 contains improved provisions relating to initial and continual training.

for legal protection of discriminated persons in line with the Law on Equal Opportunities of Women and Men. Thus, in case of unequal treatment of grounds of gender, the Counsellor for legal protection provides legal protection of persons discriminated on grounds of gender; the Counsellor also coordinates activities for protection against all other forms of discrimination. With a view to promoting the concept of equal opportunities and non-discrimination, in pursuance with the Law on Equal Possibilities of Women and Men, all Ministries in the Republic of Macedonia have appointed a Coordinator for equal opportunities of women and men, who is in charge of the fulfilment of obligations in line with the above referred to Law, as well as for gender mainstreaming in strategic planning and the program of work of the concerned Ministry.

183. The Secretariat for Implementation of the Framework Agreement has specific competences, especially as regards discrimination on grounds of ethnic affiliation. Furthermore, the Ministry of Education and the Ministry of Culture, each have separate departments having specific tasks relating to equality of communities in their respective areas of competence.

184. Upon the entry into force of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 13 February 2009 and following the recommendations of the United Nations Subcommittee on the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, a separate department has been established at the Ombudsman's Office – National Preventive Mechanism – the main task of which is prevention of torture and other cruel, inhuman and degrading treatment or punishment.

185. The Ombudsman has undertaken relevant measures to ensure functional independence of this Mechanism within the Ombudsman's Office.

186. Upon the entry into force of the amendments to the Law on the Ombudsman, a Rulebook has been adopted regulating the manner of implementing activities for the prevention of torture, as well as a Methodology for Prevention of Torture. In addition, documents regulating the internal structure of the Ombudsman's Office envisage the following organizational units: Department for protection of children' s rights and of person with disabilities; Department for protection of citizens against discrimination and for equitable representation; and a Department for the prevention of torture and other cruel, inhuman, or degrading treatment or punishment.

187. The Commission for the Protection against Discrimination was established by the end of 2010. The Commission receives applications filed by citizens (or other entities) and establishes whether their rights have been violated. In case a violation is established, the perpetrator is to eliminate the reasons leading to the violation of rights. In 2011, 2012 and in 2013, the Commission received a total number of 146 applications, of which in 11 cases the applicants stated that they had been discriminated against on grounds of gender and sex, i.e. in 8 cases, the applicants alleged that they had been discriminated against on grounds of gender, in 2 cases the applicants alleged that they had been discriminated against on grounds of gender and sex, and in 1 case, the applicant alleged discrimination on the grounds of gender.

188. An Agency for Rights of Communities has been established, tasked with implementation of fundamental principles, deriving from the Ohrid Framework Agreement (and the Constitution) relating to protection of rights of persons belonging to small ethnic communities representing less than 20% of the total population. The Agency is especially focused on the consistent implementation of the principle of equitable representation.

189. The main bodies working on issues of equality and non-discrimination in units of local self-government are the Committees for relations among communities (which are obligatorily established in municipalities of mixed ethnic composition) and Committees for

equality between women and men (which all municipalities are to establish). These are advisory bodies to Municipal Councils and work on issues within their competences, while Councils are to take into consideration their recommendations.

190. Upon the ratification of the Convention on the Rights of Persons with Disabilities, on 5 December 2011, a National Coordination Body was established for implementation of the Convention on the Rights of Persons with Disabilities in the Republic of Macedonia, which is chaired by the Minister of Labour and Social Policy. This Body is composed of representatives of the Assembly of the Republic of Macedonia – Inter-party MP group for rights of person with disabilities and the Committee for equal opportunities of women and men; then representatives of the Commission for Protection against Discrimination; representatives of in-line ministries and institutions, of the Ombudsman's Office and of the National Council of Organizations of Disabled Persons of Macedonia.

191. With respect to information about new political, administrative and other measures for human rights promotion at the national level, plans and programs, allocated funds and their significance and results please see the common core document of the Republic of Macedonia on United Nations human rights conventions (HRI/CORE/MKD/2013) – (second and third part).

192. With respect to information about latest developments and measures for the implementation of the Convention and the Committee recommendations in the period after the consideration of the previous periodic report in 2006 and for statistics see the common core document of the Republic of Macedonia on United Nations Human Rights Conventions (HRI/CORE/MKD/2013) – (first part).

Annexes

Annex I

[*English only*]

Criminal Code of the Republic of Macedonia – Article 418

Trafficking in Human Beings: Article 418-a

(1) A person who by force or serious threat misleads or uses other forms of coercion, kidnapping, deceit and abuse of his/her own position or a position of pregnancy, weakness, physical or mental incapacity of another person, or by giving or receiving money or other benefits in order to obtain agreement of a person that has control over other person or in any other manner recruits, transports, transfers, buys, sells, harbours or accepts persons because of exploitation through prostitution or other forms of sexual exploitation, pornography, forced labour or servitude, slavery, forced marriages, forced fertilization, unlawful adoption, or similar relationship or illicit transplantation of human body parts, shall be punished with imprisonment of at least 4 years.

(2) A person who destroys or takes away an ID, passport or other documents for identification with the aim of committing the crimes referred to in paragraph 1 of this Article shall be punished with at least 4 years of imprisonment.

(3) A person who uses or enables another person to use sexual services or another type of exploitation of persons for whom he/she knew or was obliged to know that they were victims of human trafficking shall be punished with imprisonment of 6 months up to 5 years.

(4) If the crime referred to in paragraphs (1), (2) and (3) of this Article is committed by an official person while performing his/her duties, he/she shall be sentenced to imprisonment of at least 8 years.

(5) The consent of the human trafficking victim in relation to the intent for exploitation, as referred to in paragraph (1), shall not bear any importance regarding the existence of the criminal offence as referred to in paragraph (1).

(6) If the crime referred to in this Article is committed by a legal entity it shall be fined.

(7) The real estate, the items and means of transport used for committing the crime shall be confiscated.

Smuggling of migrants: Article 418-b

(1) The person who by using force or serious threat attacks the life or body, kidnaps, engages in fraud, out of greed, or by misuse of his/her official position or using the powerlessness of another person illegally transfers migrants across the state border, as well as the person who produces, purchases or owns a fake passport with such intention, shall be sentenced to imprisonment of at least 4 years.

(2) The person who engages, transports, transfers, buys, sells, hides or accepts migrants shall be sentenced with imprisonment of 1 to 5 years.

(3) If during the commitment of the crimes referred to in paragraphs 1 and 2, the life or the health of a migrant is endangered, or the migrant is treated especially humiliatingly or cruelly, or if he/she is prevented from using the rights he/she has according to international law, the perpetrator shall be sentenced to imprisonment of at least 8 years.

(4) If the crime referred to in paragraphs 1 and 2 is committed against a minor, the perpetrator shall be sentenced to imprisonment of at least 8 years.

(5) If the crime referred to in paragraphs (1), (2), (3) and (4) of this Article is committed by an official person while performing his/her duties, he/she shall be sentenced to imprisonment of at least 10 years.

(6) The means and vehicles used for committing the crime shall be confiscated.

Organizing a group and inciting the perpetration of the crimes of trafficking in human beings and migrant smuggling: Article 418- c

(1) The person who organizes a group, gang or other association with the intention of committing crimes referred to in Articles 418-a, 418-b, 418-d and 418-e, shall be sentenced to imprisonment of at least 8 years.

(2) The person who becomes a member of a group, gang or other association referred to in paragraph 1 or in other way helps the group, gang or association, shall be sentenced to imprisonment of at least 1 year.

(3) The member of the group referred to in paragraph 1 who discloses the group before he/she commits a crime as its member or on its behalf, shall be pardoned.

(4) The person who calls, urges or supports commitment of the crimes referred to in Articles 418-a, 418-b, 418-d and 418-e shall be sentenced to imprisonment of 1 to 10 years.

Trafficking in juveniles: Article 418-d

(1) Any person who recruits, transports, transfers, buys, sells, harbours or accepts a juvenile for the purpose of exploitation by prostitution or other forms of sexual exploitation, pornography, forced labour or servitude, slavery, forced marriage, forced fertilization, illegal adoption or similar relationship, or illegal transplantation of human organs, shall be sentenced to imprisonment of at least 8 years.

(2) Any person who commits the crime as referred to in paragraph (1) by using force, serious threats, deceit, or other form of coercion, abduction, deception, or abuses his or her position or conditions of pregnancy, disability or physical or mental incapability of another person, or by giving or taking money or other benefits in order to get consent from a person who has control over another person, shall be sentenced to imprisonment of at least 10 years.

(3) Any person who uses or enables another person to use sexual services or other type of exploitation of a juvenile person, for whom he/she knew or was obliged to know that the person is a victim of human trafficking, shall be sentenced to imprisonment of at least 8 years.

(4) A person who destroys or takes a way an ID, passport or other documents for identification with the aim of committing the crimes referred to in paragraphs 1 and 2 of this Article shall be punished with at least 4 years of imprisonment.

(5) If the crime referred to in paragraphs (1), (2), (3) and (4) of this Article is committed by an official person while performing his/her duties, he/she shall be sentenced to imprisonment of at least 10 years.

(6) The consent of the juvenile person in relation to the activities as referred to in paragraph (1), shall bear no importance regarding the existence of the criminal offence as referred to in paragraph (1).

(7) If the crime under this Article is committed by a legal entity, it shall be fined.

(8) Any real estate and items or transport vehicles used to commit the crime shall be seized.

Annex II

[*English only*]

Trainings and other forms of professional advancement regarding cases of trafficking in human beings and other forms of exploitation in the period from 2008 to June 2013

1. In 2008, the staff at the Sector for Border Affairs and Migration attended the following trainings: Combating trafficking in human beings and migrant smuggling; training of trainers for combating trafficking in human beings in the Western Balkans; Implementation of Standard Operative Procedures for treatment of victims of trafficking in human beings, having attended several seminars as well: International protection and national asylum system; Asylum Procedures; Combating trafficking in human beings, having also paid a study visit: Combating trafficking in human beings, having finally participated in an exercise "Coordinated actions for prevention of illegal activities". 361 border police officers attended these events.

2. The same year, 6 officers of the Unit for Combating Trafficking in Human Beings and Migrant Smuggling participated in a training on Standard Operative Procedures for treatment of victims of trafficking in human beings, then in seminars: Trafficking in human Beings – Migrant Smuggling – Skopje, Twinning Project; The Red Cross in the Fight against Trafficking in Human Beings – Trafficking in children – Ministry of Labour and Social Policy; IT Investigations; and they also participated in the annual operative and strategic meeting on the topic of illegal migrations, held at EUROPOL, The Hague, the Netherlands. Representatives of this Unit also participated in the Final Regional Meeting held in Skopje, on 14-15 April 2008, under the Program for the Enhancement of Anti-Trafficking Responses in South-Eastern Europe – Data Collection and Information Management – International Centre for Migration Policy Development (ICMPD) and Management and use of database for perpetrators of crimes sanctioned under Article 418-a of the Criminal Code of the Republic of Macedonia.

3. In 2009, the training on combating trafficking in human beings and migrant smuggling and the training on detection of forged documents at border crossings were continually implemented, covering 487 border police officers of the Sector for Border Affairs and Migration.

4. Furthermore, officers of the Unit for Fight against Trafficking in Human Beings and Migrant Smuggling attended trainings: on Links between organized crime and migrant smuggling; Standard Operative Procedures for treatment of victims of trafficking in human beings; then seminars: Skills for investigative interviews with suspects, witnesses to and victims of a crime, Trafficking in human beings – migrant smuggling, Skopje, Twinning Project; Money Laundering, under the project "Support to Southeast European countries for police capacity strengthening with a view to reducing trafficking in human beings and illegal migration". Officers of this Unit also participated in professional advancement courses abroad: Workshop on the topic of "The fight against trafficking in human beings in the Western Balkans", held in Tirana, organized by the European Commission and Training the trainers event, Turkish International Academy against Drugs and Organized Crime (TADOC), Ankara, organized by the UNDP.

5. In 2010, officers of the Sector for Border Affairs and Migration attended the following trainings: Profiling in trafficking in human beings and migrant smuggling; Advanced training on the fight against trafficking in human beings/legislative framework and its application; Advanced training on the fight against trafficking in human beings/Trafficking in children; Advanced training on the fight against trafficking in human beings/Training of trainers; Advanced training on the fight against trafficking in human beings/Criminal investigations; Advanced training on the fight against trafficking in human beings/labour exploitation and

illegal migration; Advanced training on the fight against trafficking in human beings/ Standard Operative Procedures. A total of 178 officers of this Sector attended these trainings.

6. Eleven officers of the Unit for Combating Trafficking in Human Beings and Migrant Smuggling attended the following trainings: Combating organized crime, focused on trafficking in human beings; Trafficking in juveniles; Trafficking in children; Abuse of juveniles, child pornography and child prostitution via the Internet; Techniques for interviews with suspects, witnesses to and victims of crimes; Technical assistance for strengthening the capacities of stakeholders involved in the fight against organized crime, with a focus on trafficking in human beings; Trafficking in human beings for purposes of labour exploitation; Drafting secondary legislation for the Centre for Victims of Trafficking in Human Beings; Analysis of the Mirage Task Force on Countering Trafficking in Human Beings and Illegal Migration; International legal assistance, specific forms of judicial cooperation in the EU, extraditions, minimum standards on rights of suspects and of indicted person and the status of victims in the criminal legislation.

7. In 2011, officers of the Sector for Border Affairs and Migration continued attending regular trainings on the topics of: Combating trafficking in human beings and migrant smuggling; Profiling in trafficking in human beings; Dealing with people illegally crossing the border; Use of the database on foreign nationals, asylum seekers, migrations and visas, having also attended a workshop on the topic of "Freedom of movement- preventing illegal migration / practical activities in line with the Schengen Rules". 444 officers of this Sector attended the trainings.

8. Officers of the Unit for Combating Trafficking in Human Beings and Migrant Smuggling participated in trainings on the following topics: Trafficking in human beings – migrant smuggling and labour exploitation; Networks of illegal migration – criminal routes; having also participated in workshops on the topic of "Transnational cooperation in the fight against trafficking in human beings in Southeast Europe (TRIM–II) – Labour Exploitation".

9. In 2012, officers of the Sector for Border Affairs and Migration continued attending trainings on the topics of: Combating trafficking in human beings and migrant smuggling; Protection of refugees in mixed migrations, having also attended a workshop on the topic of "Mixed migrations and legal protection of refugees". 127 officers attended the trainings and workshop.

10. Eleven officers of the Unit for Combating Trafficking in Human Beings and Migrant Smuggling attended the following trainings: Trafficking in human beings and migrant smuggling; Online child pornography and crimes against children; Trafficking in human beings– labour exploitation; having also attended the IV Workshop on the establishment of Joint Investigative Teams – Trafficking in Human Beings, in the context of criminal law cooperation in Southeast Europe.

11. 1 June 2013 inclusive, officers of the Sector for Border Affairs and Migration attended trainings on the topics of: Combating trafficking in human beings and migrant smuggling; and Protection of refugees in mixed migrations. A total of 119 officers of the border and migrations service attended these trainings.

12. In the same period, 10 officers of the Unit for Combating Trafficking in Human Beings and Migrant Smuggling attended trainings on the topics of: Trafficking in human beings– labour exploitation; Advanced training on the new Law on Criminal Procedure, having attended seminars on the topic of: Leadership skills; and workshops on the topics of: Combating seasonal sexual exploitation; and Combating trafficking in human beings for purposes of labour exploitation.